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STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: STRENGTHENING OF INTERNATIONAL COOPERATION AND COORDINATION OF EFFORTS TO STUDY, MITIGATE AND MINIMIZE THE CONSEQUENCES OF THE CHERNOBYL DISASTER

Letter dated 8 April 1996 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 50/134, adopted on 20 December 1995, on the strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster. In paragraph 2 of the resolution, I was requested to appeal to Member States to continue and intensify their assistance to Belarus, the Russian Federation and Ukraine, in support of their ongoi..g efforts to cope with the consequences of the Chernobyl disaster.

I should be grateful if you would bring the attached appeal to the attention of the members of the General Assembly.

(Signed) Boutros BOUTROS-GHALI

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ANNEX

Appeal to States Members of the United Nations on the tenth anniversary of the accident at the Chernobyl nuclear power plant

Ten years separate us from the early-morning hours of 26 April 1986 when two powerful explosions in rapid succession destroyed the Unit 4 reactor of the Chernobyl nuclear power plant, exposing the burning core and releasing 50 million curies of radioactive isotopes into the environment.

The scale of the accident, its impact on health and on the ecological situation transcended the boundaries of the zone around Chernobyl, indeed, the boundaries of Belarus, the Russian Federation and Ukraine, the three countries which received the largest share of the fallout, becoming a global problem of concern to the entire world.

Even a decade later, however, this accident is much more than the worst technological disaster in the history of nuclear power generation; it is also a grave and continuing humanitarian tragedy.

By displacing hundreds of thousands of people, it severely damaged the socio-psychological fibre of the most seriously affected States. Radioactive contamination, health risks, both physical and mental, continue to affect vast populations in these three countries.

That tragic event 10 years ago continues to this day to have a devastating effect on the social and economic life in Belarus, the Russian Federation and Ukraine, obliging them to grapple with the most acute of its consequences. Chernobyl, however, represents a long-term problem of unprecedented complexity, which can only be tackled successfully through the combined efforts of the entire international community.

The International Conference, "One Decade after Chernobyl: Summing Up the Consequences of the Accident", held recently at Vienna, fully attested to this fact. Indeed, it brought together nuclear scientists, doctors, political leaders of Member States, organizations of the United Nations system, the European Commission and others for a thorough and detailed assessment of the situation 10 years later, and of the level and adequacy of the assistance provided and research undertaken. The results of the Conference clearly point to the need for intensifying assistance to vast segments of the populations of the affected States, as well as to the need for further research into what is still very much an evolving science.

Recognizing the universal importance of the Chernobyl disaster, the General Assembly at its fiftieth session declared 26 April 1996 to be the International Day Commemorating the Tenth Anniversary of the Chernobyl Nuclear Power Plant Accident. In its resolution 50/134 the General Assembly invites Member States to conduct appropriate activities to commemorate this tragic event and to enhance public awareness of the consequences of such disasters for health and the environment throughout the world.

The United Nations today remains profoundly concerned by the continuing impact of this disaster on the lives and health of large numbers of people, particularly children. I cannot stress enough that Chernobyl is still a major humanitarian tragedy, and that with the passage of time, the suffering has not abated.

In any realistic forecast of the challenges facing the United Nations, we must accept that Chernobyl and its consequences will remain on the international agenda. The occasion of the tenth anniversary of the accident provides us with a special opportunity to express a renewed commitment to help those who are asking for our assistance. It is also a chance to reinforce our common effort to respond to this continuing humanitarian and technological disaster.

As the Secretary-General of the United Nations, I am therefore taking this opportunity to appeal to Member States to continue and to intensify their assistance to Belarus, the Russian Federation and Ukraine, so that a tangible difference can be made in the lives of those still suffering at the hands of the "invisible enemy".

Boutros BOUTROS-GHALI

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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Advisory Committee on Administrative and Budgetary Questions

I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia for 1996 (A/C.5/50/41). During its consideration of the matter, the Committee met with the Prosecutor and the Registrar of the International Tribunal and with representatives of the Secretary-General who provided additional information.

II. FINANCIAL REQUIREMENTS FOR 1996

2. In his report, the Secretary-General proposes provisions of $40,779,300 for the financing of the Tribunal in 1996, including $8,619,500 gross ($7,637,500 net) appropriated by the General Assembly in its resolution 50/212 for the period from 1 January to 31 March 1996. This compares to $38,819,700 appropriated for the biennium 1994-1995 (see A/C.5/50/41, table 1).

3. The Committee was informed that expenditures for the biennium 1994-1995 amounted to $35,832,462, leaving an unencumbered balance of $2,987,238 which will be available to finance the 1996 requirements. It was indicated that a performance report for expenditures in 1994-1995 will be submitted to the General Assembly no later than May 1996 in accordance with Assembly resolution 49/242 B, paragraph 26. Upon request, the Committee was provided with an interim expenditure report for 1994-1995. In this connection, the Committee

reiterates its view that the most up-to-date financial data should always be submitted for the period preceding the new budget proposal. The report of the Secretary-General should also specifically make references to previous recommendations of the Committee indicating whether action has been taken and the time framework for full implementation of recommendations.

4. The proposed staffing table comprises 342 posts (excluding 11 judges), reflecting an increase of 84 additional posts (36 posts for the Office of the Prosecutor and 48 posts for the Registry). The Committee was informed that all posts for the Tribunal had been classified by the Office of Human Resources Management of the Secretariat. The Committee notes from the Secretary-General's report (table 3 and paras. 8 and 131) that, in addition to the 258 temporary posts established for the biennium 1994-1995, at the time of the preparation of the report there were 53 persons on loan to the Tribunal from Member States and international organizations and institutions (9 law clerks assigned to the Chambers, 35 investigators/advisers assigned to the Office of the Prosecutor, 6 legal research clerks and 3 interns). Upon inquiry, the Committee was informed that as at 28 February 1996 there were 46 posts vacant, comprising 23 posts in the Office of the Prosecutor (21 Professional and 2 General Service) and 23 in the Registry (8 Professional and 15 General Service). The organizational chart of the Tribunal and statistics on the number of staff on board, by post level and nationality, were provided to the Committee and are included in the present report as annexes I and II. The Committee believes that there is a need to identify priorities for the Tribunal's operations, avoiding the establishment of cumbersome and costly bureaucratic support systems.

5. As indicated in paragraph 4 above, as at November 1995, donors had provided 53 persons to the Tribunal on a non-reimbursable basis. The Committee was informed that the number of secondees is now 61, including two individuals whose services are still under negotiation with the organizations that will second them. Donors are responsible for the total personnel cost in connection with the assignment to the Tribunal, including salaries, daily subsistence allowances, medical and life insurance coverage (as well as insurance for service-related illness, disability or death, with extended war-risk insurance coverage) and round-trip travel from their respective countries. The Tribunal's budget, however, covers the provision of office space, furniture and equipment, as well as other related expenditures incurred on official business for the United Nations. The associated costs of supporting seconded personnel for 1996 would amount to $636,800.

6. In the view of the Committee, the use of personnel on secondment during the start-up phase, as described above, is understandable given the limited experience of the United Nations in this area; now that the preparatory work has been completed and longer-term trial activity has begun, the Committee believes that high priority should be given to recruitment of international civil servants. During the discussion on the subject, the Committee was informed by officials of the Tribunal that this objective is highly desirable to assure the sustainability of the Tribunal's operations.

7. Upon inquiry, the Committee was informed that, in accordance with existing policy, all donors of voluntary contributions are charged 13 per cent support cost when the contributions result in additional financial liability for the

United Nations. It was indicated that, with regard to secondment by Governments and non-governmental organizations, the support cost was waived in 1995 in nearly all cases. The basis for the calculation of the support cost or the criteria for charging or waiving such support cost was not clear to the Committee, however. The Committee believes that this is a policy issue that needs to be addressed by the General Assembly, especially with regard to personnel provided free of charge to the United Nations to occupy posts which would otherwise have been funded from assessed contributions.

8. During the discussion of the structure and functions of the Tribunal, the Committee was informed that the success of the Tribunal as a whole depends very much on the quality of staffing of the Office of the Prosecutor, in particular on the calibre of the investigation teams, including the personnel on secondment. It was emphasized that the assistance provided by the seconded staff to the Office of the Prosecutor will continue to be essential. Governments that have contributed personnel on secondment to the Office of the Prosecutor include the United States of America (21 persons), the Netherlands (4), the United Kingdom of Great Britain and Northern Ireland (4), Denmark (3), Sweden (3), Norway (2) and Finland (1). The Committee recalls that in its previous report it indicated that there was also need for account to be taken of established practice in the United Nations for the acceptance of such personnel (A/49/7/Add.12, para. 22).

9. The Committee recalls that, in paragraph 15 of its resolution 49/242 B, the General Assembly reaffirmed that the acceptance of voluntary contributions in kind or in personnel, as well as voluntary financial contributions, must be consistent with the need to ensure the impartiality and independence of the International Tribunal at all times and that such contributions should be considered supplementary to the assessed contributions. The Committee points out that the Secretary-General has yet to issue specific guidelines for receipt of the contributions and application of funds for the Tribunal, as requested by the General Assembly in paragraph 13 of that resolution.

10. The Committee recommends that all the personnel requirements of the Tribunal, including personnel on secondment, be budgeted and allocated to the corresponding organizational units of the Tribunal, according to their functional responsibilities. The Committee believes that acceptance of personnel on secondment should be limited to the number of posts approved by the General Assembly in the Tribunal's budget. As previously indicated by the Committee (A/49/7/Add.12, para. 40), in accordance with the practice and regulations of the United Nations, requirements of the Tribunal should be fully reflected in the programme budget. There should be a clear indication of the units of the Tribunal where personnel on secondment from Governments and governmental organizations have been assigned, as well as their functional responsibilities, tasks, location and the intended period of the assignment.

11. Similarly, the Committee recommends that all the administrative support cost requirements of each organizational unit of the Tribunal be fully budgeted regardless of whether or not they will be ultimately financed from assessed contributions or from unearmarked cash contributions. The Committee also believes that equipment and all other voluntary contributions in kind to the

operational budget of the Tribunal should be provided by donors in accordance with the actual requirements of each organizational unit of the Tribunal.

12. The Committee was informed that there were noticeable delays in recruitment in 1995 (61 posts, 38 Professional and 23 General Service, remained vacant at the end of December 1995). It was explained that cost-cutting measures introduced at Headquarters had affected the recruitment process for the Tribunal. Upon inquiry, the Committee was informed that the personnel cost estimates for 1996 included a vacancy factor of 50 per cent for Professional posts and 65 per cent for General Service posts.

13. During the discussion on this matter, it was indicated that, in the light of the Dayton Peace Agreement (see A/50/790-S/1995/999) and under the new "rules of the road" from the Rome Summit, agreed by the parties in February 1996, the workload of the Tribunal will increase substantially in all its activities. In the view of the Committee, recruitment of qualified personnel must be carried out without delay. Such recruitment should be implemented strictly in accordance with the Staff Regulations and Rules of the United Nations, taking account of Articles 8, 100 and 101 of the Charter of the United Nations, as emphasized by the General Assembly in paragraph 10 of its resolution 49/242 B. The Committee recalls that, as indicated in its previous report (A/49/7/Add.12, para. 15), in May 1994 the Registrar was delegated the authority to appoint staff in the name of the Secretary-General, up to the D-1 level.

The Chambers

14. Under article 12, paragraph 2, of the Statute of the Tribunal for Rwanda, as established by the Security Council in its resolution 955 (1994) of 8 November 1994, the members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda. The Committee has taken these factors into account during its consideration of the Secretary-General's proposals for the financing of the International Tribunal for Rwanda (A/C.5/50/54).

15. Salaries and allowances of the 11 judges of the Tribunal are estimated at $1,619,400 and common costs of judges at $137,400 for costs related to installation allowance, removal of household effects and education grant (A/C.5/50/41, paras. 19 and 20). The Committee reiterates its opinion (see A/49/7/Add.12, para. 6) that, as article 31 of the statute of the Tribunal provides that it shall have its seat at The Hague, all entitlements of the judges should be formulated and implemented on the basis of residence at The Hague. The Committee notes from paragraph 22 of the Secretary-General's report that, as recommended by the Committee (A/49/7/Add.12, paras. 6 and 17), no provision is proposed for travel to and from the duty station for judges who are not in residence at The Hague.

16. With regard to travel and subsistence benefits, the Committee recalls that it had been informed that payment of travel expenses of the judges of the Tribunal had been limited to business class travel rather than first class. The Committee agreed with this practice and recommended that travel and subsistence regulations be prepared for the Tribunal and submitted to the Committee for

scrutiny (A/49/7/Add.12, para. 8). Such a proposal has not yet been submitted; the Committee trusts that it will be submitted at the earliest opportunity. The Committee was informed that there were instances in which the travel expenses of judges had been paid by their respective Governments at the first class standard. The Committee points out that any payment of compensation by Governments to United Nations officials is inconsistent with the Organization's policies and practices.

17. A provision of $20,000 is requested for the engagement of experts who may render advisory services or provide outside expertise in various legal fields and to assist the Chambers on specific legal issues that may be raised before the Tribunal (A/C.5/50/41, para. 24). The Committee was informed, upon inquiry, that no expenditure was incurred in 1995 for consultants or experts for the Chambers. It was indicated that the amount was calculated on the basis of four experts engaged for 10 days at a cost of $400 per day, and travel costs of $1,000 per person. The Committee recalls that, in paragraph 8 of its resolution 49/242 B, the General Assembly requested the Tribunal to establish guidelines to govern recourse to and use of expertise in the Chambers. The Committee regrets that these guidelines have not yet been established. The Committee does not believe that the case has been made for this request and accordingly recommends against the provision of $20,000 for consultants for the Chambers.

The Office of the Prosecutor

18. In accordance with article 16 of the Statute of the International Tribunal for the Former Yugoslavia (S/25704, annex), the Office of the Prosecutor acts independently as a separate organ of the Tribunal. The Prosecutor for the International Tribunal for the Former Yugoslavia also acts as the Prosecutor for the International Tribunal for Rwanda.

19. As shown in tables 6 and 7 of the Secretary-General's report (A/C.5/50/41), resource requirements for the Office of the Prosecutor amount to $14,390,300 for staff and non-staff costs of 162 posts (114 Professional and 48 General Service), including the establishment of 36 additional posts (14 Professional and 22 General Service).

20. The Committee notes that the budgetary provisions for 1996 (A/C.5/50/41, paras. 29 and 41) reflect the reorganization of the Office of the Prosecutor, including the expansion of the Strategy Team in the Investigation Section, a reorganization of the former Special Advisory Section into a new Legal Services Section and the provision of additional resources to the Information and Records Section (see annex I to the present report).

21. The Committee notes that the Secretary-General proposes (para. 33) the establishment of 17 new posts in the Investigation Section (14 Professional and 3 General Service). The Committee agrees with that proposal, with the exception of the new P-5 post for the position of Senior Legal Officer, Investigations (para. 38); the Committee is not convinced of the need for this post at this time since it appears that its functions are to coordinate rather than to carry out specific substantive tasks.

22. The Committee notes that the activities of the Prosecutor in the former Yugoslavia will be greatly assisted by the liaison field offices (para. 40). The Committee understands that a field presence will be established at Sarajevo and Belgrade in addition to the office already established at Zagreb. Upon inquiry, the Committee was informed that an exchange of letters between the United Nations and the Republic of Bosnia and Herzegovina on the status of an International Tribunal office at Sarajevo was recently concluded. Accordingly, it is planned to redeploy 15 investigators to Sarajevo to carry out investigations in the region. The cost of the additional space requirements in Sarajevo is estimated at $40,000, and it may be covered from voluntary contributions. An agreement with the Federal Republic of Yugoslavia regarding the Belgrade office has been drafted but not yet signed by the parties concerned. The Committee was informed that arrangements have been made to install secure (crypto) telephone lines for communications between the field offices and The Hague.

23. The Committee notes that travel provisions for the Office of the Prosecutor for 1996 ($1,861,000) are significantly lower than the provisions budgeted for 1994-1995 ($4,522,500), as the cost of travel for the purpose of giving evidence in trials is now budgeted under the Registry (para. 55). In view of the expanded presence in the field and the enhanced telephone communication facilities, the Committee expects significant savings in the travel budget of the Office of the Prosecutor.

24. The Committee notes that the Secretary-General proposes 17 additional General Service posts for the Information and Records Section of the Office of the Prosecutor (para. 44). The Committee understands that the receipt, processing and archiving of all the information, evidence and other material are labour-intensive. The Committee was apprised of the status of the backlog of documents to be indexed and coded. It was indicated that there was currently a backlog of about 370,000 pages of documentation to be scanned and indexed, the cost of which is not included in the budget. The Committee recalls that it was informed in February 1995 that a backlog of about 250,000 pages would be processed by April 1995 (see A/49/7/Add.12, para. 23). Upon inquiry, the Committee was informed that the Government of the Netherlands had offered a contribution of approximately $2 million for computer systems, personnel and office space for the processing of the backlog, which is expected to be completed within a period of approximately six months.

The Registry

25. The Registry is responsible for the administration and servicing of the judicial infrastructure of the Tribunal. As shown in annex I to the present report, the Registry comprises two main functional areas of support: the administrative and financial management services and the judicial support services. The Office of the Registrar includes units for press and information, security, and safety and legal support. For 1996, total requirements for the Registry amount to $16,447,400 (see A/C.5/50/41, table 8). For the Registry, the Secretary-General requests 174 posts (68 Professional and 106 General Service), of which 48 are additional posts (25 Professional and 23 General Service) (see A/C.5/50/41, table 9).

26. With regard to the requirements for the defence counsel (paras. 59 to 63 and 97), under articles 18 and 21 of the Statute suspects or accused persons are entitled to, inter alia, legal representation of choice or, if indigent, to free legal assistance. The Committee notes from paragraph 97 that the estimates take into account the proposed amendments to the Directive on Assignment of Defence Counsel (see also paras. 6 and 63) and, upon request, the Committee was provided with a copy of the proposed amendments. The Tribunal proposes the assignment of co-counsels to relieve the workload of the defence counsel in complicated cases. In addition, amendments are proposed to the remuneration scale of the defence counsel so that fees are calculated on the basis of seniority for the lead counsel and for the co-counsel and include compensation for general office costs. The Committee notes that provision for co-counsel was not requested for the International Tribunal for Rwanda (see A/C.5/50/54, para. 76). Upon inquiry, the Committee was informed that, in accordance with the amended article 23 (A) of the Directive on Assignment of Defence Counsel, a remuneration paid to assigned counsel for any one case and at any one stage of the procedure will include (a) a fixed rate of $400 per stage; (b) a fee of $825 calculated on the basis of a fixed daily rate (approximately $110 per 7.5 hours of work) applied at any stage of the procedure to the number of days of work; and (c) a daily allowance calculated on the basis of fixed rates as established by the United Nations schedule of daily subsistence allowance rates applied to the number of days of work ($250 per diem for the Netherlands).

27. The Committee was informed that the provisions for the defence counsel of $2,802,500 for 1996 (A/C.5/50/41, para. 97) were calculated on the basis of six cases in 1996 (about $467,000 per case); the proposed amount would cover the remuneration, travel costs and support costs of 2,400 counsel work/days (18 defence counsel and 6 co-counsel assigned to represent suspects and defend the accused, with 100 days per lawyer per case), as follows:

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Remuneration for the assigned defence counsel	1 620 000
Travel expenses of the defence counsel	39 575
Remuneration for assigned co-counsel	283 800
Travel expenses of assigned co-counsel	3 525
Cost for counsel assigned to a suspect	18 375
Investigation, legal research and other costs	837 225
Total	2 802 500

28. The Committee recommends that stringent procedures be established to determine (a) whether the accused is bona fide indigent and (b) the steps to be followed to recover payments by the United Nations from individuals not meeting the established criteria of indigence.

29. The Registrar has set up a list of about 30 lawyers from 11 countries who have volunteered to represent indigent suspects or accused (para. 60). The Committee recommends that vigorous efforts be made by the Registrar to expand the list of defence counsel so that lawyers of various systems of jurisprudence around the world are represented. The Committee notes from the amendment to

article 14 of the Directive on Assignment of Defence Counsel, and the consequential amendment to rule 45 of the Rules of Procedure and Evidence, that those on the list of counsel must have a suitable experience, seniority and familiarity with the subject-matter, as well as sufficient command of one or both of the working languages of the Tribunal.

30. For detention facilities (see A/C.5/50/41, paras. 64, 74, 98 and 107), provision of $801,700 is requested for 1996 for the staff of the Detention Unit (one Commanding Officer and 23 prison guards, including 6 additional guards proposed for 1996). In addition the amount of $292,600 is requested for the annual rent due to the host Government for the 24-cell detention facility. The lease agreement with the host Government also provides for meals and services for the detainees at a cost of $102,700 for 1996. The Committee notes from paragraph 107 that, for the purpose of the estimate, it was assumed that the facility would be 25 per cent occupied (6 persons) for the first half of 1996 and 50 per cent occupied (12 persons) for the second half of 1996.

31. The Committee was informed that the prison guards must maintain security standards as established by the host Government. Under the host Government detention rules, the Tribunal is required to hire a minimum of 21 prison guards to supervise from 1 to 6 detainees. In this connection, it was indicated that the present 17 prison guards have incurred over 600 hours of overtime per month, which has not been paid by the United Nations but by the host Government. Upon inquiry, it was made clear that only four, not six, additional prison guards would be required for the detention facilities and that the Tribunal is negotiating with other Governments to provide those guards on a non-reimbursable basis. Moreover, under the rules governing the detention of persons awaiting trial or appeal before the Tribunal or otherwise detained under the authority of the Tribunal, the Committee was informed that the International Committee of the Red Cross (ICRC) had offered to contribute its personnel and expertise for inspections of the Tribunal's detention unit. The amendments to the rules of detention clarify the respective roles of ICRC and the Tribunal and provide detainees with greater freedom to communicate with the inspecting authority (see A/50/365-S/1995/728, para. 28).

32. The detention facility has held only one accused in custody since April 1995 (see A/C.5/50/41, para. 64, and A/50/365-S/1995/728, para. 103). The Committee recalls that the detention facility was formally turned over to the Tribunal as from 1 October 1994 and that, up to the time of writing of the Committee's previous report (A/49/7/Add.12), the cells were empty but the Tribunal nevertheless had to pay for rental, maintenance and security costs under the terms of the agreement with the host Government. The Committee further recalls that, on the assumption that there would be six occupants in 1994 and full occupancy in 1995 for the 24-cell detention facility, $242,400 were budgeted as user costs relating to the detainees (see A/C.5/49/42, paras. 67 and 107). In addition, it was estimated that $806,000 was required for the cost of up to 24 prison guards in 1995 and $340,000 for the rent due to the host Government in 1994-1995 (ibid., paras. 102 (b) and 107). The Committee recalls that it had requested that arrangements for the detention of prisoners should be reviewed with the objective of reaching a more cost-effective arrangement (A/49/7/Add.12, para. 32). The Committee requests that this issue be kept under review. Furthermore, the Committee recommends that, should there

be detainees in Europe for the Tribunal for Rwanda, consideration be given to using the facilities at The Hague for temporary detention of accused individuals prior to departure for Arusha so as to minimize costs.

33. With regard to the Victims and Witnesses Unit (see A/C.5/50/41, paras. 65, 75, 95 and 140), the rules of procedure and evidence provide for its establishment within the Registry. The Unit provides services to both prosecution and defence witnesses. The Committee notes that one additional Professional post at the P-1/P-2 level is proposed for 1996 (para. 75). The Committee has no objection to this proposal. As indicated in paragraph 95, the budget proposals include provisions of $6,500 for travel of staff members of the Unit and $650,000 for victims and witnesses who are required to travel to the Tribunal for the purposes of hearings and trials (calculated at the rate of $143 per diem for 14 days plus $600 transportation cost per person for an estimated number of 250 witnesses); in addition, the amount of $25,000 per person is requested for the travel of the accused. The Committee requested but did not receive the basis for the calculation of this estimate.

34. The Committee notes that other costs relating to the protection of victims and witnesses will be covered from voluntary contributions (A/C.5/50/41, para. 140). The Committee was unable to ascertain the status of expenditures of voluntary funds received by the Tribunal. The Committee recommends that the Secretary-General disclose fully, in the context of the next budget presentation, both the receipt and the application of voluntary funds. The Committee recalls that it had pointed out that at all times transparency of purpose and use of voluntary funds must be ensured, without compromising the confidentiality of information for the protection of victims and witnesses (A/49/7/Add.12, para. 27).

35. In the report of the Secretary-General (para. 77), it is proposed that the post of the Chief of Administration be upgraded to the D-1 level. Upon inquiry, the Committee was informed that this post, like all other posts of the Tribunal, had been classified for the first time by the Office of Human Resources Management. The Committee has no objection to the post grade levels proposed by the Secretary-General, which the Committee understands are in accordance with the results of the classification exercise conducted by the Office of Human Resources Management.

36. With reference to the proposed Personnel Office post at the P-3 level (para. 78), the Committee was informed, upon inquiry, that the Personnel Unit is currently staffed by a P-4 level Personnel Officer and three General Service staff. The Committee is not convinced of the need for an additional Professional post at the P-3 level for this area.

37. The Secretary-General proposes three additional General Service posts for the General Services Section to provide additional travel and maintenance support (paras. 80 and 88). The Committee does not believe that the establishment of these three additional General Service posts is warranted at this time.

38. The Committee notes that the proposed changes in the staffing table of the Language and Conference Services Section (para. 88) include, in addition to the

transfer of seven posts to the General Services Section, the abolition of three General Service posts and the establishment of 24 new Professional posts for translators (5 P-4, 11 P-3 and 8 P-1/P-2). On the basis of the information provided in the report of the Secretary-General and by representatives of the Tribunal during the discussion on the subject, the Committee recommends approval of this request.

39. The Committee notes that estimated requirements for contractual services amount to $1,517,300, including $1,187,400 for conference interpretation services and verbatim reporters (para. 100). Upon inquiry, the Committee was provided with the breakdown of the latter services, as follows:

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(a)	Conference interpreters:	
(i)	4 interpreters x 3 plenary sessions x 10 days x $450/day	54 000
(ii)	6 interpreters (English/French and Bosnian/Serbian booths) x 6 trials x 32 days x $450/day	518 400
(b)	Verbatim reports:	
(i)	2 English verbatim reporters x 6 trials x 32 days x £820/day = £314,880 x 1/0.63 (exchange rate)	499 800
(ii)	6 French stenographers x 1 Trial Chamber x 96 workdays x $200/day	115 200
	Total	1 187 400

40. The Tribunal currently leases 6,809 square metres of office space, 358 square metres of other space (storage space, etc.) and 104 parking spaces, for an annual rent of $1,004,471 (para. 101). To provide for additional space requirements in 1996, the Committee notes that the Tribunal plans to utilize 620 square metres of additional office space and 470 square metres of other space; the total annual rent is estimated at $1,106,600. The Committee also notes that the Tribunal plans to construct a second courtroom designed for the Appeals Chamber (para. 109) and that estimates will be submitted in the report of the Secretary-General to the General Assembly at its fifty-first session. The Committee further notes that the terms of the lease provide for the Tribunal to assume on 1 January 1997 the balance of the facility, for a total of 15,907 square metres of office space, 3,622 square metres of other space and 398 parking spaces. The Committee was informed that the Tribunal is undertaking various activities to identify suitable tenants to sublet the surplus space (approximately 8,312 m^2) as from 1 January 1997. The Committee believes that the Tribunal should redouble its efforts to ensure that the United Nations does not pay for space which it does not need.

41. The Secretary-General requests provisions for furniture and equipment amounting to $1,534,300, including office automation hardware and software

($1,012,200) and the purchase of two vehicles ($44,000) (paras. 121-128). The Committee understands from the discussion with representatives of the Secretary-General that provisions for office automation hardware and software (paras. 122 and 123), include state-of-the-art equipment for data capture and retrieval. The Committee notes that computer equipment of a value of approximately $2.5 million was donated to the Tribunal during 1994-1995 (para. 136). Upon inquiry, the Committee was provided with the inventory of furniture and miscellaneous items; a detailed inventory of computer, communication and audio-visual equipment was not provided, however. From the information provided, it is not clear to the Committee what are the actual equipment requirements of the Tribunal and to what extent the requirements may be driven by highly sophisticated equipment already received by the Tribunal from various donors. The Committee intends to follow up on this matter in the context of the next budget submission for the Tribunal and requests that the relevant explanatory information be provided at that time.

42. With regard to the request for a provision for the purchase of two vehicles, the Committee notes that it is anticipated that, commencing in 1996, the United Nations peace-keeping forces may no longer make vehicles available to the Tribunal's field investigators on a per kilometre basis (para. 127). The Committee recommends that the Secretary-General examine the possibility of providing vehicles to the Tribunal from the inventory of vehicles previously used by the United Nations Protection Force and other missions.

43. With regard to the administration of the Tribunal, the Committee recalls that it had previously requested the Secretary-General to explore the possibility of common administrative arrangements for the United Nations entities at The Hague, subject to the statutory requirements of the bodies concerned (A/48/915, para. 19, and A/49/7/Add.12, para. 37). The Committee was informed that the issue remains under review with the administration of the International Court of Justice. The Committee reiterates its request, particularly in the light of the space situation mentioned in paragraph 40 above. The Committee further reiterates its view that, in respect to the long-term requirements of the Tribunal's work, information be provided in the context of the next budget submission on arrangements for the carrying out of sentences and for the protection of witnesses, including arrangements made with Governments.

III. CONCLUSIONS

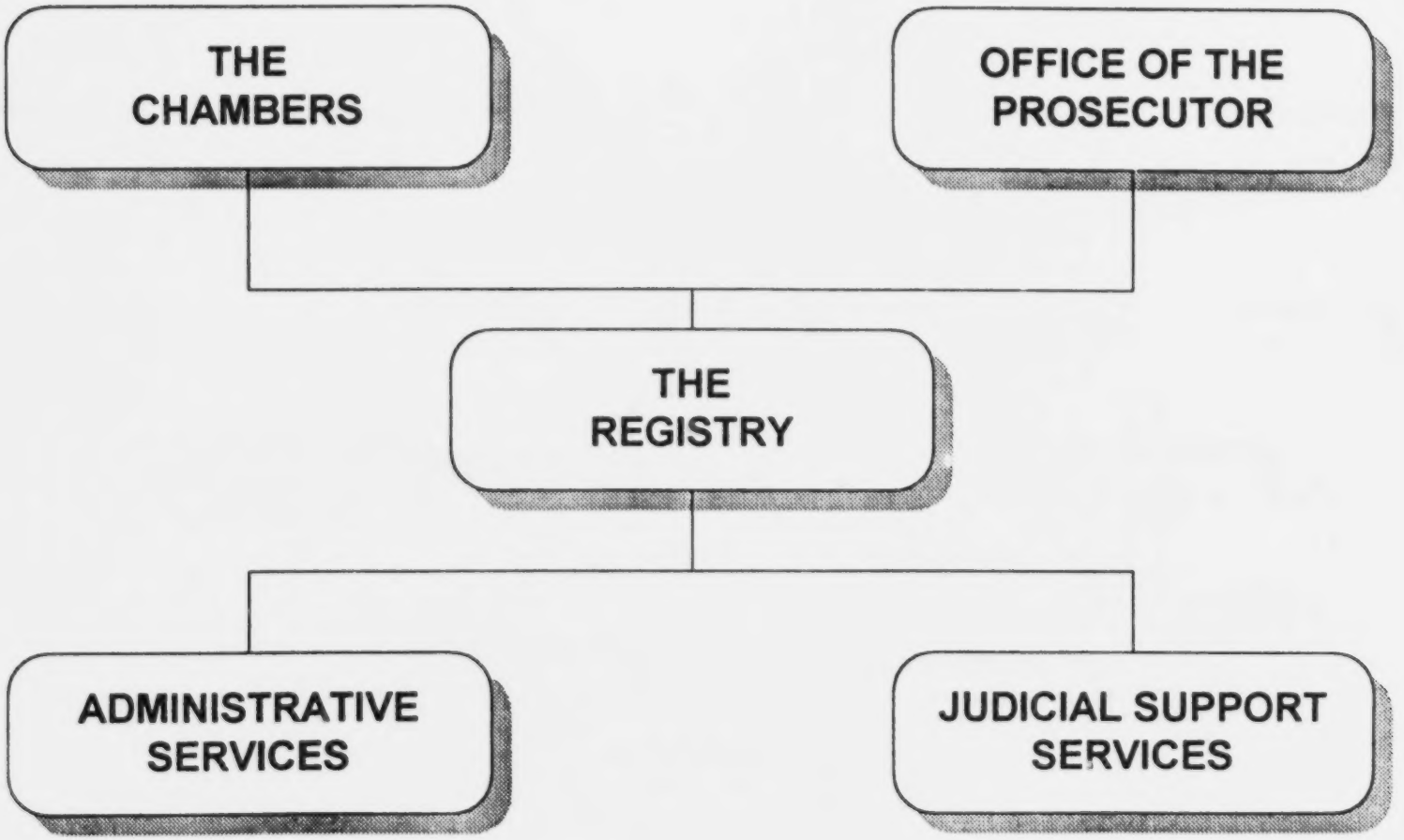
44. On the basis of the comments and recommendations detailed in paragraphs 17, 21, 36 and 37 above, the Committee recommends that the appropriation of $32,908,122 (net) be approved for the operations of the International Tribunal for the Former Yugoslavia for 1996. The amount recommended for appropriation would be in addition to $8,619,500 gross ($7,637,500 net) appropriated by the General Assembly in its resolution 50/212 for the period from 1 January to 31 March 1996 (see para. 2 above).

45. The Committee reiterates its view that the resources appropriated and authorized for the Tribunal need to be administered with flexibility consistent with the Financial Regulations and Rules of the United Nations. Furthermore,

the Committee recalls that, in paragraph 27 of its resolution 49/242 B, the General Assembly decided to review the mode of financing of the Tribunal at its fifty-second session. The Committee believes that, given the need to prepare for the long-term implications of the work of the Tribunal and the requirements that may develop in 1996, the date of that review should be advanced.

Annex I

ORGANIZATIONAL CHART



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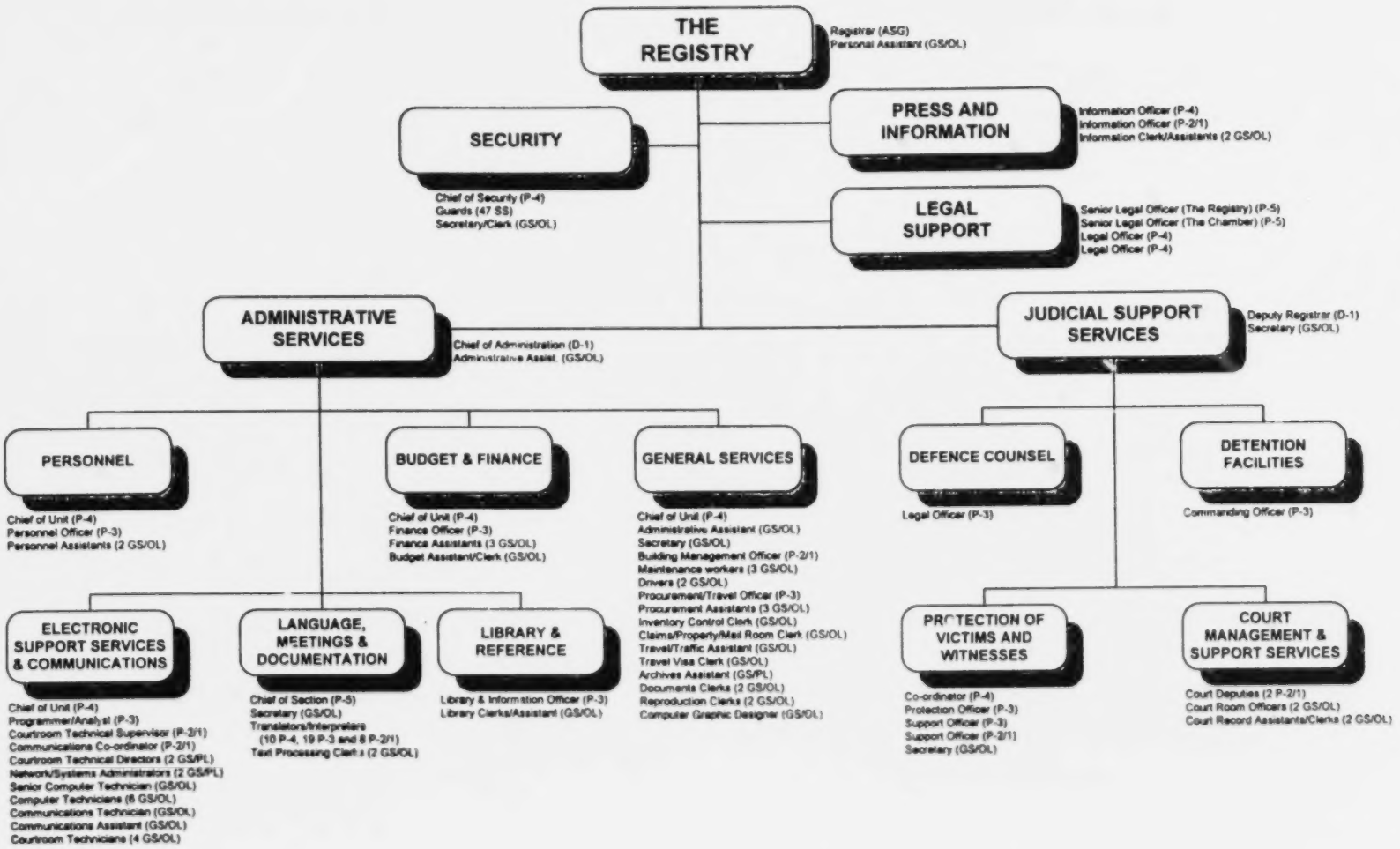
The Registry



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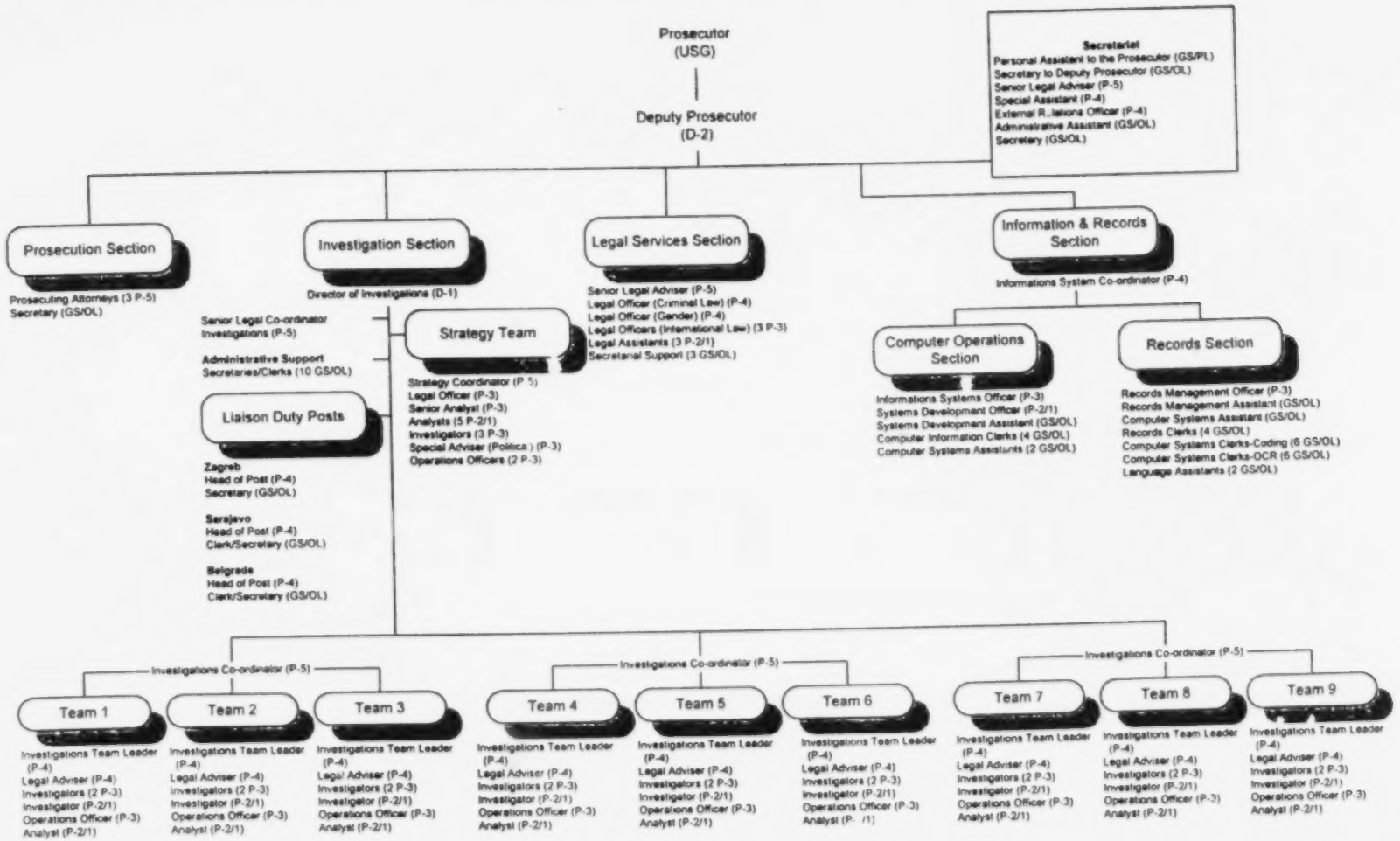
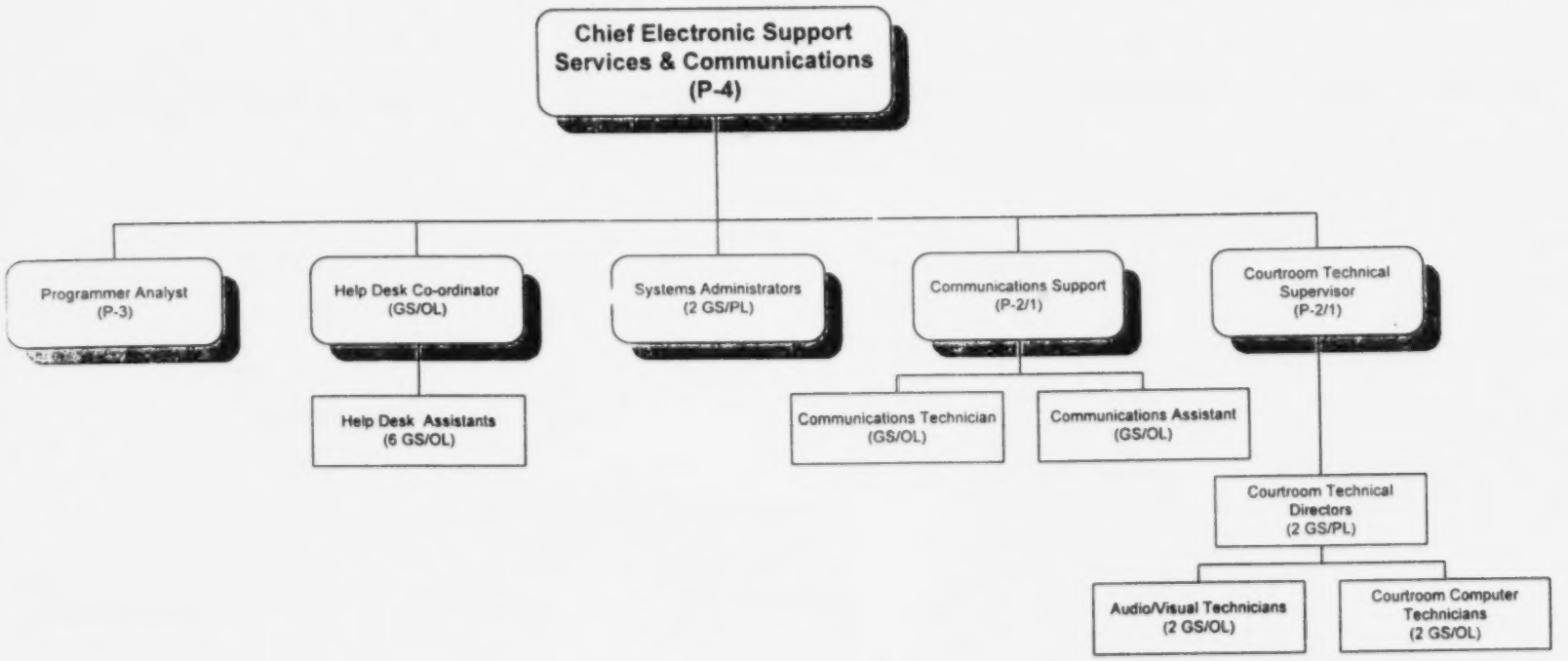
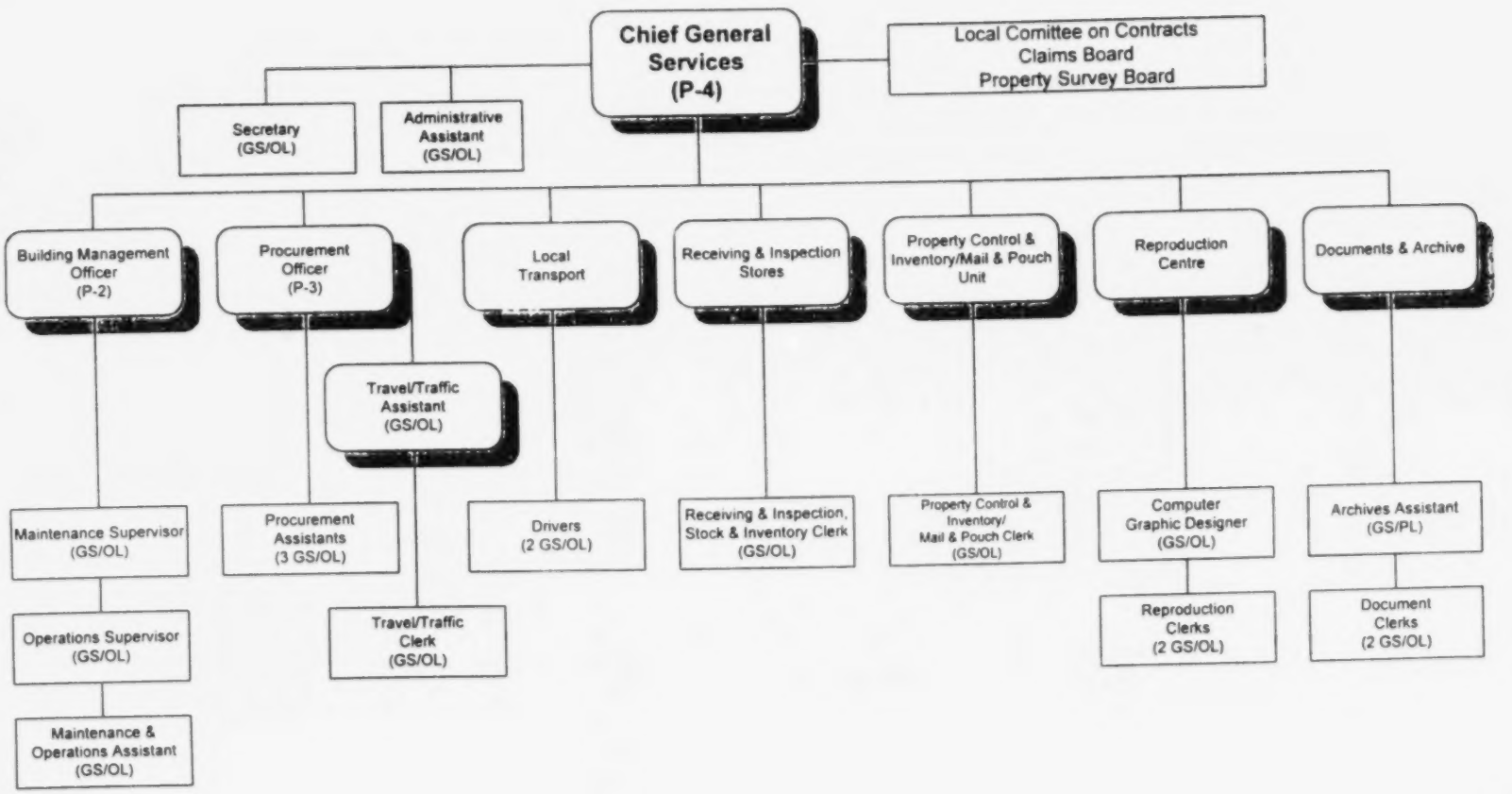
The Office of the Prosecutor



Electronic Support Services & Communications


Chief Electronic Support Services & Communications (P-4)
Programmer Analyst (P-3)
Help Desk Co-ordinator (GS/OL)
Help Desk Assistants (6 GS/OL)
Systems Administrators (2 GS/PL)
Communications Support (P-2/1)
Communications Technician (GS/OL)
Communications Assistant (GS/OL)
Courtroom Technical Supervisor (P-2/1)
Courtroom Technical Directors (2 GS/PL)
Audio/Visual Technicians (2 GS/OL)
Courtroom Computer Technicians (2 GS/OL)

General Services Section



Annex II

STAFFING STATISTICS

(as at 29 February 1996)

I. TOTAL NUMBER OF STAFF

A. Number of staff (on board) by level/sex

Professional			General Service		
	Male	Female		Male	Female
USG	1	0	G-7	0	0
ASG	0	1	G-6	0	0
D-2	1	0	G-5	1	4
D-1	1	0	G-4	9	35
P-5	6	2	G-3	31	10
P-4	18	8	G-2	7	0
P-3	26	17	G-1	1	0
P-2	13	13			
P-1	3	4		49	49
	69	45	Total	98	
Total	114				

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

USG	South Africa	(1)
ASG	Netherlands	(1)
D-2	Australia	(1)
D-1	Netherlands	1
P-5	Australia	1
	Canada	1
	France	2
	Spain	1
	Sweden	1
	United Kingdom	1
	United States of America	1

P-4	Australia	2
	Bulgaria	1
	China	1
	Croatia	3
	France	3
	Germany	1
	India	1
	Netherlands	2
	New Zealand	1
	Norway	1
	Philippines	1
	South Africa	1
	Sri Lanka	1
	Suriname	1
	Ukraine	1
	United Kingdom	3
	United States of America	2
P-3	Australia	2
	Belgium	4
	Bosnia and Herzegovina	2
	Canada	2
	Croatia	2
	Finland	1
	France	2
	Germany	2
	Italy	1
	Mexico	1
	Nepal	1
	Netherlands	4
	Norway	1
	Pakistan	2
	Philippines	1
	South Africa	1
	Sri Lanka	2
	Stateless	1
	Sweden	1
	United Kingdom	2
	United States of America	8
P-2	Argentina	1
	Bosnia and Herzegovina	2
	Canada	3
	Czech Republic	1
	France	1
	Germany	1
	India	1
	Ireland	1
	Japan	1
	Nepal	1
	Netherlands	1
	New Zealand	1

	Pakistan	1
	Philippines	1
	Senegal	1
	South Africa	1
	Stateless	2
	United Kingdom	1
	United States of America	3
	Yugoslavia	1
P-1	Australia	1
	Canada	1
	France	1
	Nepal	1
	Netherlands	1
	Norway	1
	United Kingdom	1
	Total	114

II. OFFICES OF THE REGISTRAR/JUDGES' CHAMBERS

A. Number of staff (on board) by level/sex
(Professional and higher categories)

	Male	Female
ASG	0	1
P-5	2	1
P-4	3	5
P-3	8	7
P-2	1	4
P-1	2	1
	16	19
Total	35	

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

ASG	Netherlands	1
P-5	France	1
	Spain	1
	United States of America	1
P-4	Croatia	3
	France	2
	Netherlands	1

	Suriname	1
	United Kingdom	1
P-3	Australia	2
	Belgium	1
	Bosnia and Herzegovina	1
	Croatia	2
	Netherlands	1
	Stateless	1
	Sweden	1
	United Kingdom	1
	United States of America	5
P-2	Bosnia and Herzegovina	2
	India	1
	Philippines	1
	Yugoslavia	1
P-1	France	1
	Netherlands	1
	United Kingdom	1
	Total	35

III. OFFICE OF THE PROSECUTOR

A. Number of staff (on board) by level/sex
(Professional and higher categories)

	Male	Female
USG	1	0
D-2	1	0
D-1	1	0
P-5	4	1
P-4	15	3
P-3	18	10
P-2	12	9
P-1	1	3
	53	26
Total	79	

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

USG	South Africa	1
D-2	Australia	1

D-1	Netherlands	1
P-5	Australia	1
	Canada	1
	France	1
	Sweden	1
	United Kingdom	1
P-4	Australia	2
	Bulgaria	1
	China	1
	France	1
	Germany	1
	India	1
	Netherlands	1
	New Zealand	1
	Norway	1
	Philippines	1
	South Africa	1
	Sri Lanka	1
	Ukraine	1
	United Kingdom	2
	United States of America	2
P-3	Belgium	3
	Bosnia and Herzegovina	1
	Canada	2
	Finland	1
	France	2
	Germany	2
	Italy	1
	Mexico	1
	Nepal	1
	Netherlands	3
	Norway	1
	Pakistan	2
	Philippines	1
	South Africa	1
	Sri Lanka	2
	United Kingdom	1
	United States of America	3
P-2	Argentina	1
	Canada	3
	Czech Republic	1
	France	1
	Germany	1
	Ireland	1
	Japan	1
	Nepal	1
	Netherlands	1
	New Zealand	1

	Pakistan	1
	Senegal	1
	South Africa	1
	Stateless	2
	United Kingdom	1
	United States of America	3
P-1	Australia	1
	Canada	1
	Nepal	1
	Norway	1
	Total	79

UNITED
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General Assembly

Distr.
GENERAL

A/50/926
10 April 1996

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 9 April 1996 from the President of the Economic and Social Council addressed to the President of the General Assembly

I have the honour to inform you that, in pursuance of General Assembly resolution 49/136 of 19 December 1994, the Economic and Social Council considered the question of public administration and development at its 3rd plenary meeting of 1996, held on 2 April 1996. It had before it the report of the Group of Experts on Public Administration and Finance on its twelfth meeting (A/50/525-E/1995/122) and the report of the Secretary-General on public administration and development (A/50/847-E/1996/7).

At that meeting, the Council decided to take note of the reports and transmit them to the General Assembly at its resumed fiftieth session for further consideration.

The text of Council decision 1995/215 reads as follows:

"1996/215. Public administration and development

"At its 3rd plenary meeting, on 2 April 1996, the Economic and Social Council decided to take note of the report of the Group of Experts on Public Administration and Finance on its twelfth meeting and of the report of the Secretary-General on public administration and development and to transmit them to the General Assembly at its resumed fiftieth session for further consideration."

May I request that you draw the attention of the Assembly to that decision.

(Signed) Jean-Marie Kacou GERVAIS

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General Assembly
Security Council

Distr.
GENERAL

A/50/927
S/1996/262
11 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 112
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-first year

Identical letters dated 2 April 1996 from the Permanent Representative of Guinea to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to forward to you herewith the text of a statement adopted by the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference at its meeting held today, Tuesday, 2 April 1996, at the United Nations in New York (see annex). The Contact Group met to consider the deterioration of the situation in Jammu and Kashmir in the wake of the massacre of 22 Kashmiris at the Hazrat Bal Shrine in Srinagar and the abduction and custodial killing of Mr. Jalil Andrabi, Chairman of the Kashmiri Commission of Jurists.

I would appreciate it if you would have the present letter and the enclosed statement circulated as a document of the General Assembly, under agenda item 112, and of the Security Council, while considering such action as you may deem appropriate to defuse the tension and to prevent repetition of the violations of human rights of the Kashmiri people.

(Signed) Mahawa Bangoura CAMARA
Ambassador
Permanent Representative
Chairman OIC Contact Group on Kashmir

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ANNEX

Statement by the OIC Contact Group on Jammu and Kashmir

In a meeting held at the United Nations in New York on 2 April 1996, the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference considered the worsening of the situation in Kashmir in the wake of the massacre of 22 Kashmiris at the Hazrat Bal Shrine in Srinagar and the custodial killing of Mr. Jalil Andrabi, Chairman of the Kashmir Commission of Jurists.

The OIC Contact Group condemned the indiscriminate killing by Indian forces of 22 Kashmiris in Srinagar on 30 March 1996, at the end of the siege of the Hazrat Bal Shrine.

The OIC Contact Group noted with dismay that the Indian authorities' disrespect of holy places in Indian-held Kashmir has emerged as a particularly disturbing feature of the campaign to crush the Kashmiri people's struggle for self-determination. This was the second siege of the Hazrat Bal Shrine since October 1993. It came in the wake of the desecration of the venerated shrine of Charar Sharif, which was burnt to the ground last year.

The OIC Contact Group further expressed its shock at the brutal murder of Mr. Jalil Andrabi, Chairman of the Kashmir Commission of Jurists. Mr. Andrabi was proceeding to attend the current meeting of the Commission on Human Rights in Geneva. Prior to his departure, Mr. Andrabi was kidnapped by elements of the notorious Rashtriya Rifles on 8 March 1996 in the presence of his wife. Mr. Andrabi's body was found on 27 March in the river Jhelum with his hands and feet tied.

The OIC Contact Group expressed its grave concern at the rapidly deteriorating situation in Kashmir. The Group called on the Indian authorities to stop the continuing violence against the Kashmiri people and to end the grave human rights violations being perpetrated in Indian-occupied Kashmir.

Reaffirming the OIC resolution on Jammu and Kashmir adopted at the Seventh Islamic Summit, held at Casablanca, the Contact Group expressed complete solidarity with the Kashmiri people. It urged the United Nations Secretary-General to take due cognizance of the deteriorating situation in Kashmir. It also appealed to the President of the Security Council to take note of the situation and to bring the matter to the attention of the Security Council for appropriate action.

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Security Council

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A/50/928
S/1996/263
11 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 19
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to draw your attention to a view concerning the issue of State succession in former Yugoslavia expressed in the United Nations document entitled "Summary of Practice of the Secretary-General as depositary of multilateral treaties" (ST/LEG/8), as prepared by the Treaty Section of the Office of Legal Affairs. I refer in particular to paragraphs 297 and 298 of the said document.

The Federal Republic of Germany would like to express its disagreement with any interpretation that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... remains ... the predecessor State upon separation of parts of the territory of the former Yugoslavia". Such an interpretation is contrary, in particular, to Security Council resolution 777 (1992), in which the Council stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". The General Assembly in its resolution 47/1 supported the decision of the Security Council.

Recently, in Security Council resolution 1022 (1995) of 22 November 1995, the Council confirmed with regard to the State formerly known as the Socialist Federal Republic of Yugoslavia "... that that State has ceased to exist ...".

Moreover, the interpretation in question is contrary to the opinions of the Arbitration Commission of the Conference for Peace in Yugoslavia. The Arbitration Commission concluded that the former Socialist Federal Republic of Yugoslavia had dissolved and ceased to exist as a subject of international law, and that none of the successor States, including the Federal Republic of

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Yugoslavia (Serbia and Montenegro), could claim to be the sole successor State of the former Socialist Federal Republic of Yugoslavia. The fundamental principles of equality of rights and duties in respect of international law which deal with succession of States with respect to treaties, State property, archives and debts were to be applied to all successor States (opinions No. 8, 9 and 10) (see A/48/874-S/1994/189).

As the interpretation contained in the said document has given rise to serious concerns also for my Government, I would welcome if the legal situation laid out in the resolutions cited above could be reflected in the corrigendum reportedly under consideration in the United Nations Secretariat.

I should be grateful for your kind assistance in circulating the present letter as a document of the General Assembly, under agenda item 19, and as a document of the Security Council.

(Signed) Tono EITEL

UNITED
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General Assembly

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GENERAL

A/50/929
11 April 1996

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 8 April 1996 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report of the Regional Conference on the Role of Public Administration in Promoting Economic Development in Asia (see annex).*

The Conference, which was held at Manila from 18 to 20 March 1996, was convened by the Division of Public Administration and Development Management of the Department for Development Support and Management Services of the United Nations Secretariat and co-sponsored by the Economic and Social Commission for Asia and the Pacific and the Commonwealth Secretariat. It was hosted by the Civil Service Commission of the Government of the Philippines as a contribution to the activities relating to the work of the General Assembly at its resumed session on public administration and development.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 12.

(Signed) Felipe MABILANGAN
Ambassador
Permanent Representative

* The annex is being circulated in the language of submission only.

ANNEX

Report of the Regional Conference on the Role of Public Administration in Promoting Economic Development in Asia

INTRODUCTION

1. In December 1994, the United Nations General Assembly adopted Resolution A/49/136 calling for a Resumed 50th Session in April 1996 to examine the question of Public Administration and Development. The Resolution recognized the important role that governments and public administration can play in addressing new responsibilities arising from the pursuit of sustained economic growth and sustainable development in all countries, including inter alia, developing basic infrastructural facilities, promoting social development, combating socio-economic disparities and poverty, preparing conditions for the private sector and protecting the environment. The resolution called for the General Assembly to exchange experiences, review the activities of the United Nations system in this field and make recommendations as appropriate.

2. In its preparation for the Resumed Session, the United Nations Department for Development Support and Management Services (UN/DDSMS) organized a series of activities, one of which was a regional meeting on the "Role of Public Administration in Promoting Economic Development in Asia" which was held at the Asian Development Bank in Manila from 18-20 March 1996.

3. The conference was hosted by the Civil Service Commission of the Philippines in cooperation with the University of the Philippines, College of Public Administration, Local Government Academy and Eastern Regional Organization for Public Administration (EROPA) and was co-sponsored by UNDDSMS, ESCAP and the Commonwealth Secretariat. Twenty countries from the Asia region were invited to the meeting and the following countries participated in the Conference: Bangladesh, Cambodia, Indonesia, Malaysia, Maldives, Mongolia, Pakistan, Philippines, Singapore and Thailand. The meeting was also attended by DDSMS, ESCAP, UNDP, ADB, EROPA, Commonwealth Secretariat, U.P. College of Public Administration and the Local Government Academy. In all, 57 participants attended the Conference.

4. Modernizing and reforming the administrative system has been an essential component of the economic and social transformation taking place in several Asian countries. Public administration reform is a sine qua non for development and has been adopted in varying degrees to smooth and facilitate economic development in three groups of Asian countries, namely: newly industrialized countries (e.g. South Korea, Malaysia), transitional economy countries (e.g. Vietnam, Kyrgyzstan) and other mixed-economy countries (e.g. India, Sri Lanka). Several common elements are at work in these sets of countries, including greater reliance on markets and increasing collaboration with global economies. Arising from the increased use of market-oriented structures and global integration is the challenge of redefining the role of the state and the consequent changing tasks of public administration. Most commonly, the State has redirected its role from one of direct involvement in production to the functions of development, regulation and maintenance of an enabling framework. This shift required considerable changes in State machinery including institutions, processes, personnel and promotion of new skills, capacity and orientation among public officials to the changing demands on public administration in this new environment.

5. This considerable agenda for public sector reform as tools for economic development needs to be investigated rigorously and was the focus of this Conference. The objectives of the Conference

were: (1) to analyze and understand the critical administrative dimensions and implications of economic development for Asian countries at varying degrees; (2) to compare relevant experiences of these countries in dealing with these challenges; and (3) to synthesize major issues and various experiences in administrative reform and develop practical recommendations.

6. Successful reform and sustained development require the formulation of sound policies, effective implementation, consultation and interface with the private sector and civil society, coordination between economic and social policies, and the creation and maintenance of a stable enabling environment for such formulations. Public administration contributes to all these activities, and therefore, its role in the context of economic development was examined in the areas of: (a) policy planning and management; (b) legal and institutional frameworks; (c) civil service reform and training; and, (d) resource mobilization and public expenditure management.. While the substance of policies and programmes needs to be understood in these four areas, the focus of the conference was on institutional frameworks and policy development, mechanisms and processes, and capacities, skills and orientation of public servants.

7. In welcoming the participants to the Conference, Chairman Corazon Alma G. De Leon of the Philippine Civil Service Commission said that public administration is vital to accelerating, maintaining and spreading the fruits of economic growth. However, she also stressed that the role of public administration in promoting economic development in Asia cannot be defined simply by reiterating the accepted norms and standards of what constitutes public administration. She encouraged the participants to continue the process of defining and redefining public administration based on the conditions and harsh realities in Asian countries, as well as on the interdependencies of these countries. She cited strong civil service as the common factor largely contributing to the so-called economic miracles of Asia.

POLICY PLANNING AND MANAGEMENT

8. Policy reforms must be desirable, feasible and credible. These call for sensitivity to cultural characteristics, dialogue with stakeholders, and involvement of non-governmental organizations and the private sector. There is also the need to establish/create institutions which will oversee the implementation of reforms such as a national commission for reform in the government or efficiency units in the President's or Prime Minister's office. Policies may be changed overnight but mind-sets cannot be changed that quickly. Hence, policy changes require gradual implementation, supported by capability building programs. Some policy changes take some time to succeed. For instance, privatization could succeed only after upgrading the capability of the private sector to manage public enterprises. Gradual approach to policy changes means that policy makers are clear about its implications and its timeframe and that some aspects of the policy reforms may have to be implemented in phases and only in some parts of the country.

9. Policy planning and development necessitates skills in policy formulation. There is a need to look at the reform process in its totality rather than in a fragmented way. This requires attention to the institutions involved, identification of the losers and the winners in the reform process, understanding of the political context, and ensuring that the critical stakeholders are properly informed. It is necessary to take into account the social and cultural background of reforming governments. They must be prioritized and sequenced realistically.

10. It is not sufficient to design reforms properly. It is also essential to manage and implement the reforms effectively and efficiently. Change must be viewed as part of the continuous process of improvement. Governments must be flexible enough to incorporate the lessons of learning by actual performance. Part of the difficulty in implementing and managing policy changes is the need to coordinate the institutions concerned. Political stability was also highlighted as a prerequisite to a successful implementation of policy changes in economic and social areas. It was added that budgetary reforms should be undertaken so that budgetary process can ensure efficient allocation of resources needed to effect the policy changes. There was agreement that training of personnel concerned should take place before the implementation of policy changes and training should be in consonance with the policy changes. For instance, a shift from a centrally planned to a market economy would call for training programs on its philosophy, characteristics, practices and the forces that shape the market.

STRENGTHENING THE LEGAL AND INSTITUTIONAL FRAMEWORK

11. A study on experiences in Asian countries established a correlation between proper implementation of policy and attainment of desired results. As most countries have established a legal framework that governs the crafting of policies, success of these Asian countries highlights the "ability of their bureaucracies to translate policies into positive results."

12. The challenge for administrators is to find an appropriate framework for governance, given the shifting orientation from a control-driven approach to a mission-oriented exercise of authority, and the increasing emphasis on results rather than processes. Such framework would be the right mix of the two contrasting approaches, and may be guided by speedy completion of transaction or quick response time; ensuring public safety or well-being; or a combination of both. Further, the framework would depend on the degree of policy compliance expected, the efficiency of processes envisioned to bring about the desired results, and the possible gaps in implementation.

13. To develop the legal framework for public administration, the following challenges were identified:

i. *Review the legal frameworks*. Frameworks must be reviewed to identify which laws are still useful, beneficial, and which are no longer needed or are unenforceable. An example is the recent attempt by Malaysia to review relevant laws, rules and regulations in anticipation of the changing world economy.

ii. *Supply sufficient information*. People must have sufficient information about their laws. Laws must be made in consultation with the people.

iii. *Shift the perspective*. The legal framework must be viewed not in its punitive sense, but as a tool for development and as part of public administration. This is the thrust, for example, behind UNDP's program on Judicial and Legal Reform.

iv. *Look into the economic aspects of law or the relationship between law and economics*. There is a need to relate economic concepts with law-making and to take into consideration the trade-off between the purely legal and the developmental aspects of law. An ability to

factor in the economic cost of the law should be part of the skills that must be developed among government officials.

14. In the discussion of the legal framework for public administration, the link between politics and administration was also noted. Civil servants are exposed to a great deal of political influence as they implement policy. To protect the civil servants, several policies may be considered: (1) constitutional protection should be given to public administrators/civil servants in the performance of their jobs; (2) at a minimum, civil servants must be provided with security of tenure, but with public accountability; (3) beyond security of tenure, civil servants must be provided with a clear career path, access to training, promotion based on merit, and authority based on rules; (4) there must be objective and transparent rules and regulations which policy implementors could use as a shield against excessive influence by politicians; (5) implementors must be clothed with sufficient power and authority to bring the project to completion, to review it when progress is not desirable, or to stop it when outcomes are unmet.

CIVIL SERVICE REFORM AND TRAINING

15. A "new governance" paradigm can be used to explain contemporary administrative or bureaucratic reforms. This perspective has four main guiding principles.

i. The first principle advocates for a smaller government redefining its role due to a shift toward globalization, privatization, and decentralization.

ii. The second principle calls for a government bureaucracy with a global vision and flexible organizations.

iii. The third principle calls for a government that is highly accountable to citizens and elected politicians.

iv. The fourth principle calls for a government that is credible and fair. While the criterion of fairness is contentious, in the sense that an administrative reform program or policy may be beneficial to some and disadvantageous to others, the salience of the issue of who benefits from government reforms is central to the "new governance" paradigm.

v. The new governance paradigm may mean major changes in the organization culture and practices of the bureaucracy. This paradigm will also have to cope with or overwhelm the potential resistance of government bureaucrats to the tenets of new governance wherein they may have to lose certain amounts of power and discretion, to be transparent in their decisions and actions and to be accountable to the citizens and the political leaders, etc.

16. This calls for the reorientation of public servants so that they would have a bureaucratic mentality that supports the principles of a government that does less, a global vision and flexible organizations, greater accountability and a fair government. Training programs in government must be aimed at introducing the guiding principles of the new governance paradigm.

17. From the perspective of good governance, administrative reforms are desirable, but it was noted that undue focus on them might lead to optical illusions--to a blurring of their links to

economic development or to demand for public services. As the participants acknowledged, the matter of size or numbers is relative--it should be related to the need and demands of the public and must take into account the distribution and competence of personnel. Reforms are not ends but means, a forward strategy to prepare the countries for the demands of the coming decade.

RESOURCE MOBILIZATION AND PUBLIC EXPENDITURE MANAGEMENT

18. Public expenditure is significant for several reasons. The high proportions of public expenditure to national economy, with a global average of 30% of overall GDP, have implications on the overall resource efficiency and national economic growth.

19. Certain major trends affecting public expenditure management today were observed.

i. Down-sizing through drastic reductions in public expenditure is the current imperative in many countries, with the cuts focused on both personnel and non-personnel expenditures.
ii. Despite "widespread aid fatigue," foreign aid continues to be a major feature of public budget in many countries. Some countries have established central aid management information systems to organize, coordinate and monitor aid-related activities and information. Where host countries lack reliable accounting and internal control systems, donors may need to include administrative capacity-building into their aid agreements.

iii. Budget rationalization, where planning, public investment programming, budget formulation and budget implementation are linked together, is weak or non-existent in developing countries.

v. Hard budgets, corporatization and privatization of commercial parastatals are the options resorted to by governments in developing countries to assist or bail-out state-owned enterprises (SOEs) that have run into fiscal deficits and caused inflation and balance of payments deficits.

vi. The experience of many countries that have resorted to contracting out the provision of services such as collection of solid waste, street lighting and cleaning, etc. shows that a better service is obtained at a lower cost to government. An essential precondition for contracting out is that there must be a sufficient number of independent contractors so that the full benefits of competition are realized.

vii. There is growing concern for results-oriented financial management systems that emphasize productivity and efficiency of public expenditures, where expenditures can be related to results so that efficiency can be measured. Such a resource management system requires appropriate full resource cost data for comparison. This requirement is itself a limitation of many countries that are used to keeping their accounts on cash basis.

viii. Rapid developments in computer hardware and software have made computerization not only viable but essential for government budgetary accounting and auditing operations. The introduction of computers, in many cases, has led to a re-examination of administrative procedures and decision-making processes leading to reforms.

ix. The successful and new expenditure management system hinges on the availability of personnel who possess the appropriate knowledge, skills and attitude to use these systems. In-service training that is meant to address these concerns should be linked with service and promotion so that these dovetail with career progression and equip officers to handle their responsibilities.

20. The High Performing Asian Economies (HPAEs) such as Japan, Korea, Singapore and Taiwan have achieved exceptionally high rates of growth for the past 20-30 years and rapid development of human resources. The study of the Asian Development Bank on financing the human resources development in these countries indicate some striking similarities in their public expenditure policies. These are fiscal prudence which involves restricting their public expenditure ratios to 20%-30% of GDP, appropriate allocation of public expenditure which emphasizes efficiency and equity and reliance on the private sector to finance social services such as health and education. Public expenditure in the HPAEs have been targeted to those activities which yield the highest social returns. In comparison with the OECD and developing countries, the HPAEs have much higher allocation for social services, particularly on services with the largest social benefits such as primary education and preventive health care.

21. Various schemes are being explored by governments to improve efficiency, accountability and reduce public expenditure. These include civil service reform, privatization of state-owned enterprises (SOEs), decentralization, etc. One such scheme is the use of the Build-Operate-Transfer as another system which however should be exercised with caution. BOT requires capability and skills among government personnel to negotiate with private sector investors and assess BOT project risks and performance guarantees that go with it, and in general, knowledge and capabilities in all aspects of privatization.

22. Participation of the private sector in service delivery, while may be actively sought, is not the solution to government's fiscal problems. In the health sector where standards are essential, the regulatory role of government has to be stressed in setting and monitoring quality of services and prices.

23. In public expenditure management, reduction in the budget or downsizing the bureaucracy is not necessarily the solution. On the other hand, strengthening the revenue side or increasing the government receipts is an alternative that merits attention. In Cambodia, the IMF has prescribed the downsizing of public bureaucracy but the national government believes that public expenditure management should be approached from the viewpoint of increasing receipts and not downsizing the bureaucracy. In Pakistan, downsizing has generated little savings.

RECOMMENDATIONS

24. It is recommended that in order to assist Governments in improving public management and finance systems, information on emerging issues, trends and best practices must be gathered, analyzed and disseminated to all Governments. In this regard, the participants adopted in particular the following:

i. to support the recommendation of the Secretary-General of the United Nations in his report to the General Assembly to enhance the clearing-house function of the UN programme in public

administration and development and act as the central depository for materials, reports and non-print media on public administration and development world-wide.

ii. to provide greater publication and dissemination of the new governance paradigm presented and discussed at this Conference.

iii. to request the United Nations to mobilize its resources and services to help countries adopt good governance by creating pools of experts to extend such services.

iv. to request the United Nations to undertake a review/survey of best practices of legal frameworks for public administration.

v. to request the United Nations to undertake a review/survey of civil service reforms in the region and the related training programs with a view to developing similar training programmes in other countries requiring them.

25. It is recommended that Governments as well as bilateral donors and multilateral institutions give highest priority to enhance the indigenous capacity in the public and the private sectors to facilitate the formulation, implementation and management of policy reforms.

i. to request the United Nations and the Asian Development Bank to institutionalize training, seminars and programs on good governance.

ii. to support the recommendation of the Secretary-General that national government leaders invest in its people and conduct training in economic management, people-centred development and public policy analysis with the support of the United Nations.

26. Recognizing that countries could learn from each other's experiences in the areas of good governance and institution building and as a manifestation of Asian unity and cooperation, it is recommended that assistance be provided to countries in the region which are emerging from crises and conflict.

i. to request and encourage countries with illustrative cases of successful governance to become hosts to other countries interested in learning their application;

ii. to provide a framework for more successful countries to come to those countries in need of assistance, so that in the process, official interaction could be facilitated among their respective leaders;

27. It is recommended that bilateral donors and multilateral institutions such as the United Nations and the Asian Development Bank provide the lead in developing and implementing programmes of good governance.

i. to request the United Nations to assist in particular in the provision of information and training on such aspects as build-operate-transfer schemes; in the establishment of training institutions or improvement of existing institutions dealing with governance; in the provision of information; and to hasten the setting up of a clearing house on management development, including best practices, which can be accessed by member countries on a regular basis.

ii. to support the recommendation of the Secretary General for the donor community to recognize the role and significance of public administration in development and provide adequate resources in their programmes of assistance for improving public administration in developing countries and countries with economies in transition.

28. It is recommended that policy-makers with the support of the international community should make all efforts to involve all sectors of the country particularly, NGOs and the private sector in formulating, implementing and managing policy changes.

29. It is recommended that particular attention for technical assistance in the area of public administration, good governance and in the re-establishment of government and in the implementation of market-oriented reforms be given to countries in transition in the region.

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General Assembly
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S/1996/260
12 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 19
ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Identical letters dated 10 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to inform Your Excellency that the Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina met at the United Nations in New York today, 10 April 1996, to consider the problem arising from the recent publication of the United Nations document entitled "Summary of Practice of the Secretary-General as Depository of Multilateral Treaties" (ST/LEG/8). In particular the Contact Group raised serious concern over the language contained in paragraph 297, which may suggest that the Federal Republic of Yugoslavia (Serbia and Montenegro) has succeeded the former Socialist Federal Republic of Yugoslavia.

The States members of OIC have consistently maintained the position that, with the dissolution of the Socialist Federal Republic of Yugoslavia, that State had ceased to exist and that no individual State or entity of any kind represents the continuation of the Socialist Federal Republic of Yugoslavia. In fact, five successor States have emerged from the dissolution of the Socialist Federal Republic of Yugoslavia, each with equal rights and duties in respect of international law dealing with the succession of States. Thus, it is incumbent upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to apply for membership of the United Nations if it wishes to join this world Organization in the same manner as the other four successor States have been required to do.

This position of the OIC member States is fully consistent with relevant resolutions of the Security Council and the General Assembly, and the position of the Arbitration Commission of the International Conference on the Former Yugoslavia in the matter.

In this regard, the Security Council, in its resolution 777 (1992), stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". More recently, in its resolution 1022 (1995) of 22 November 1995, the Security Council again took the position with regard to the former Socialist Federal Republic of Yugoslavia that "... that State has ceased to exist".

On this issue, the General Assembly, responding to the recommendation of the Security Council in the latter's resolution 777 (1992), decided, in its resolution 47/1, that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations ...".

The position of the Arbitration Commission also stated that (see A/48/874-S/1994/189, annex) the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents its continuation. In opinion number 8 of 4 July 1992, it concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and that the Socialist Federal Republic of Yugoslavia no longer exists". In its opinion 10 of the same date the Commission took the position that "none of the resulting entities could claim to be the sole successor" to the Socialist Federal Republic of Yugoslavia, and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

Accordingly, the Contact Group strongly felt that the position taken in the document (ST/LEG/8, para. 297) is inconsistent with the above-mentioned resolutions of the Security Council and the General Assembly as well as with the opinions of the Arbitration Commission, and with their own position on the issue. Therefore it remains unacceptable and needs to be rectified by the Secretariat.

I would be grateful if you would kindly have the present letter circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Aboubacar DIONE
Chargé d'affaires a.i.
Chairman a.i. of the
Organization of the
Islamic Conference
Contact Group on
Bosnia and Herzegovina

UNITED
NATIONS

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General Assembly
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S/1996/282
11 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 28
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith for your perusal the text of the "Sarajevo Declaration of Friendship and Partnership", adopted at the Enlarged Ministerial Meeting of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina, held at Sarajevo today, 10 April 1996 (see annex).

I should be grateful if you would have this Declaration circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Aboubacar DIONE
Chargé d'affaires a.i.
Chairman a.i. of the OIC Contact
Group on Bosnia and Herzegovina

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ANNEX

Sarajevo Declaration of Friendship and Partnership, adopted by the Enlarged Ministerial Meeting of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina

The Enlarged Ministerial Meeting of the Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina was held at Sarajevo, Republic of Bosnia and Herzegovina, on 10 April 1996 to review the progress in the implementation of the Dayton Agreement and assistance for the rehabilitation and reconstruction of Bosnia and Herzegovina. The Ministerial Meeting was attended by the representatives of Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Egypt, Guinea, Indonesia, the Islamic Republic of Iran, Kuwait, Malaysia, Morocco, Pakistan, Qatar, Saudi Arabia, Senegal and Turkey, along with the Secretary General of OIC.

Reaffirming all previous resolutions and declarations adopted by OIC, in particular the Special Declaration on Bosnia and Herzegovina adopted by the Seventh Islamic Summit Conference at Casablanca in December 1994 and the OIC Action Plan to implement the Dayton Agreement, adopted by the Twenty-third Islamic Conference of Foreign Ministers at Conakry in December 1995.

In adopting the Sarajevo Declaration of Friendship and Partnership with the State of Bosnia and Herzegovina, the Ministers paid tribute to the valiant struggle of the people of Bosnia and Herzegovina in defending the ideals of freedom, tolerance, democracy and justice throughout the four long years of aggression and genocide and decided to:

1. Reaffirm their commitment to the integrity and sovereignty of the State of Bosnia and Herzegovina within its internationally recognized borders and, in this context, support the "Declaration of Integrity of Bosnia and Herzegovina", signed on 3 April 1996 by eminent personalities and parties of Bosnia and Herzegovina;

2. Fully support the complete, impartial and effective implementation of the Dayton Agreement and express the willingness of OIC member States to participate more effectively in the implementation process, including the Implementation Force, the Steering Board, the International Police Task Force, regional stabilization negotiations under the auspices of the Organization for Security and Cooperation in Europe and the reconstruction work;

3. Express full support for the establishment of a democratic, multi-ethnic, multi-religious and multi-cultural State of Bosnia and Herzegovina;

4. Underline the importance of the mission of the High Representative, Mr. Carl Bildt and encourage him to intensify his efforts for the full and impartial implementation of the civilian aspects of the Dayton Agreement and, in this regard, emphasize the need for more coordination between the OIC Contact Group and the five nation Contact Group in the Steering Board and through ministerial and expert-level meetings;

5. Call upon the mid-term conference of the Peace Implementation Council, which is to take place in Florence, Italy, on 13 and 14 June 1996, to take account of the high importance of the full and effective implementation of the civilian aspects of the Agreement and to mobilize more political effort in this regard;

6. Call on the international community to strongly assist in building peace and the pursuance of reconciliation and democratization in Bosnia and Herzegovina by supporting the forces of democracy and integration;

7. Emphasize the importance and urgency of adequate international contributions to the imperative task of reconstruction of Bosnia and Herzegovina and express the willingness of OIC member States to provide resources for the reconstruction programme, including through the generous participation of OIC member States at the pledging conference to be held at Brussels on 12 and 13 April 1996;

8. Support the strengthening of the Federation as one of two entities of the State of Bosnia and Herzegovina with a democratic, multi-ethnic, multi-religious and multi-cultural society, which is an essential precondition for the smooth reintegration of the whole State of Bosnia and Herzegovina;

9. Urge all those involved in the implementation process to undertake urgent and effective measures to stop the tendency of ethnic partition of the State of Bosnia and Herzegovina and draw the attention of the international community to the serious threat to the stability of the entire Balkan region as a result of the prevailing tendency to support ethnic instead of democratic forces;

10. Strongly call for the full and effective implementation of the relevant provisions of the Dayton Agreement, particularly the prosecution of those indicted by the International War Crimes Tribunal, as well as those responsible for genocide, ethnic cleansing and other crimes against humanity in the Republic of Bosnia and Herzegovina, and, in this respect, emphasize that the Security Council should be seized with the compliance of the mandate of the Tribunal in accordance with relevant Security Council resolutions;

11. Ask for effective implementation of the provisions relating to reconciliation, democratization, and free and fair elections, thus creating conditions for the safe and orderly return of all refugees and displaced persons to their homes of origin;

12. Reiterate their continued commitment in assisting the Government and people of Bosnia and Herzegovina, bilaterally, through the Assistance Mobilization Group (AMG), as well as the institutions and organs of OIC, and express willingness to provide urgent and adequate resources for the relief, rehabilitation and reconstruction programmes and projects aimed at helping those in urgent need and to create jobs, particularly for the demobilized soldiers, and in this regard reaffirm the mandate and role of AMG in the post-Dayton phase;

13. Call on all countries, including OIC countries, which have not yet done so, to establish diplomatic relations with the Republic of Bosnia and Herzegovina and to conclude agreements on economic, technological and cultural cooperation;

14. Express full support to the Government of Bosnia and Herzegovina in its case in the International Court of Justice against the Federal Republic of Yugoslavia (Serbia and Montenegro) on genocide;

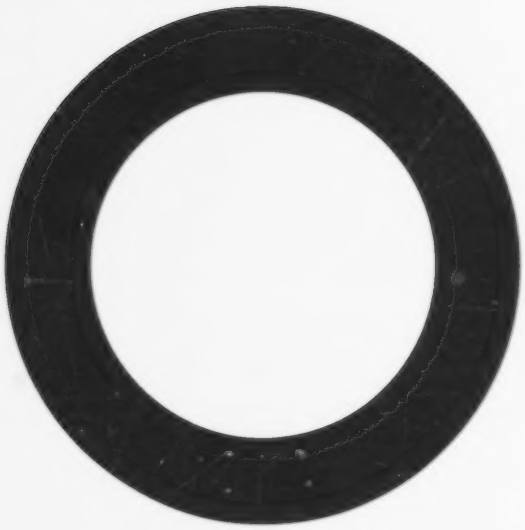
15. Urge the High Representative to assist in arranging compensation for the losses inflicted upon the suburbs of Sarajevo by the criminal Serb elements during the period of transfer of authority from the Serb entity to the Federation, using the funds aimed at reconstructing the Serb entity;

16. Reiterate the position of their Governments to freeze the assets of former Yugoslavia until the issue of succession is settled and call on other members of the United Nations to do so immediately in accordance with paragraph 6 of Security Council resolution 1022 (1995) of 22 November 1995;

17. Provide military assistance to the Government of the Republic of Bosnia and Herzegovina, particularly in establishing the army of the Federation, in the spirit of the Dayton Peace Agreement and Security Council resolution 1021 (1995) of 22 November 1995, in order to build up, including through the training and equipment programme, its defence capabilities, aimed at establishing a military balance and to ensure deterrence against any possible future aggression;

18. Urge the international community to prevail upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to stop discriminatory and repressive measures against Bosniaks of Sanjak, Albanian people of Kosovo and other Muslims throughout its territory, as well as against non-Serbs in Vojvodina;

19. Request the Chairman of the Contact Group to address a communication to the Secretary-General of the United Nations with a request to circulate this Declaration as a document of the United Nations General Assembly and the Security Council.



UNITED NATIONS

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Security Council

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11 April 1996
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GENERAL ASSEMBLY
Fiftieth session
Agenda items 20 (b), 71 (b) and 112 (c)
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL COUNTRIES OR REGIONS
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: REGIONAL CONFIDENCE-BUILDING MEASURES
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, upon instructions from my Government, the Arabic, English and French official texts of the Political Charter, representing a peace agreement signed at Khartoum on Wednesday, 10 April 1996, between the Government of the Sudan and the two rebel factions, the South Sudan Independence Movement, led by Dr. Riak Machar, and the Sudan People's Liberation Movement, led by Lt. Col. Karbino Kuanyin.

I should be very grateful if the present letter and its enclosures were circulated as a document of the General Assembly under agenda items 20 (b), 71 (b) and 112 (c), and of the Security Council.

(Signed) Hamid Ali ELTINAY
Chargé d'affaires a.i.

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ANNEX

Political Charter, signed at Khartoum on 10 April 1996

This charter has been concluded between the Government of the Sudan and the South Sudan Independence Movement/Army (SSIM/A).

In recognition of the series of previous peace talks, the two parties have pledged to put an end to the ongoing civil war in the Sudan. They agreed on the provisions mentioned below in this charter.

1. To resolve the conflict in the Sudan through peaceful and political means.

2. The unity of the Sudan with its known boundaries shall be preserved, its entity shall be secured against all internal and external dangers. The two parties shall endeavour to keep peace, justice and supremacy of values of right, goodness and virtue.

3. After full establishment of peace, stability and a reasonable level of social development in the south, and at the end of the interim period, a referendum shall be conducted by the people of the southern Sudan to determine their political aspirations.

4. Recognizing the constitutional development, implementation of the federal system and political practice based on the values of participator democracy, the two parties shall endeavour to boost progress in these fields in the light of changing situations.

5. Citizenship shall be the basis of rights and duties in furtherance of the values of justice, equity, freedom and human rights.

6. Sharia and custom shall be the sources of legislation. However, States may enact legislation complementary to the federal law in matters peculiar to those States.

7. Cultural diversity in the Sudan is recognized; Sudanese people are encouraged to freely express their values.

8. Freedom of religion and belief shall be observed and a suitable atmosphere shall be maintained for practising worship, dawa, proselytization and preaching. No citizen shall be coerced to embrace any faith or religion.

9. Social development is an extreme priority for the achievement of which the Government shall plan for confidence-building and expediting the process of alleviation of poverty, ignorance and illiteracy. The States shall also cater for provision of knowledge and satisfaction.

10. Power and national wealth shall equitably be shared for the benefit of the citizens in the country. The details shall be worked out by the two parties.

11. A coordinating council shall be formed between the southern States for better implementation of the subsequent Peace Agreement.

12. The two parties shall work together for the stability and improvement of living conditions in the war-affected areas according to the provisions of the subsequent Peace Agreement. Both sides shall carry the duty of implementing the security arrangement, resettlement, reconstruction, development and preservation of rights and duties.

13. The Sudan shall interact with African and Arab nations and the world community on the basis of the effective Sudanese identity for the benefit of the country.

14. Sudanese in general and Southerns in particular shall be mobilized to rally behind and support the subsequent peace agreement.

For the Sudan Government:

(Signed)

Maj. Gen. Al Zubeir Mohammed Salih
First Vice-President of the
Republic of the Sudan

For SSIM/A:

(Signed)

Commander Dr. Riak Machar Teny Dhurgon
Chairman of NLC SSIM and Commander-in-Chief of SSIA

For SPLM/A (BGG):

(Signed)

Commander Karbino Kuanyin
Chairman of SPLM/A (BGG)

UNITED
NATIONS

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General Assembly

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12 April 1996

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 137

FINANCING OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/50/749/Add.1) which contains the proposed budget for the United Nations Mission of Observers in Tajikistan (UNMOT) for the 12-month period from 1 July 1996 to 30 June 1997. During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information.

2. UNMOT was established by the Security Council in its resolution 968 (1994) of 16 December 1994 for an initial period of six months. Its mandate has since been extended in subsequent Security Council resolutions, the latest being resolution 1030 (1995) of 14 December 1995, by which the Council extended the mandate of the Observer Mission for six months until 15 June 1996.

3. As indicated in paragraphs 14 and 15 of the Secretary-General's report, total resources made available to the Observer Mission, from its inception until 30 June 1996, amount to $13,365,937 gross. Estimated expenditures total $12,987,337 gross; and in accordance with the terms of General Assembly decision 50/450 of 22 December 1995, an unencumbered balance of $378,600 gross for the period ending 16 June 1995 will be credited to Member States. In addition, as at 9 February 1996, amounts totalling $12,610,406 have been assessed on Member States from the inception of the Observer Mission to 15 June 1996; contributions received total $8,256,421, hence a shortfall of $4,353,985. In this regard, the Advisory Committee reiterates the need for Member States to pay their assessed contributions in full and on time.

4. Voluntary contributions received include $717,463 in cash from the Government of Germany and $70,753 in medical supplies from the Government of Switzerland. The Trust Fund established pursuant to Security Council resolution

968 (1994) to support the implementation of the Cease-fire Agreement and, in particular, the activities of the Joint Commission has secured, to date, contributions totalling $82,224, consisting of $54,224 in cash from the United Kingdom of Great Britain and Northern Ireland and $28,000 from the United States of America in the form of a letter of credit. Upon inquiry, the Advisory Committee was informed that, in relation to the contribution of the United Kingdom, there is a balance of $30,200 as at 31 March 1996.

5. The General Assembly, in its resolution 49/240 of 31 March 1995, appropriated $10,044,200 gross ($9,547,000 net) for the continued operation of the Observer Mission for the period from 27 April 1995 to 30 June 1996. The cost estimates submitted by the Secretary-General in his report (A/50/749/Add.1) amount to $7,302,500 gross ($6,795,200 net) for the period from 1 July 1996 to 30 June 1997. This estimate reflects a decrease of $1,306,300 gross, when compared to the previous 12-month period, the reason being lower costs for air operations and military personnel, as well as the exclusion of the provision for the Support Account for Peace-keeping Operations during the budget period.

6. However, the Advisory Committee was informed that, based on the 8.5 per cent of the civilian staff component of UNMOT, the amount that would have been included in the budget estimates for the funding of the Support Account would have amounted to $290,600.

7. Of the total cost estimates contained in the Secretary-General's report 49 per cent is based on standard costs and ratios, while the remaining 51 per cent covers mission-specific requirements; non-recurrent costs amount to $75,300, while recurrent costs amount to $7,227,200 gross.

8. Item 1 of the budget, military personnel costs, at a cost of $1,555,200, provides for a full component of 44 military observers, as agreed by the Security Council in its presidential statement of 6 November 1995 (S/PRST/1995/54) regarding an increase in the strength of the Observer Mission. However, savings have been achieved in relation to travel costs, which decreased from two rotations to one rotation; and in regard to rations, which, as explained in paragraph 1 of annex II.D to the Secretary-General's report decreased from the provision for 60 days to a provision for 30 days, since the existing stockpile is sufficient to cover the requirements for 1996.

9. A provision for $3,418,500 is included for civilian personnel costs in relation to 24 international staff and 35 local-level posts. This provision takes into account the 15 additional posts associated with the strengthening of UNMOT, for which the concurrence of the Advisory Committee was sought in February 1996. The proposal to establish these 15 additional posts was considered by the Advisory Committee and agreed to in its letter AC/1282 of 15 February 1996, which is contained in the annex to the present report. Upon inquiry, the Committee was informed that as at 31 March 1996 there were four vacant Professional posts, four vacant local staff posts and one vacant Field Service post. However, the Committee was informed that the Secretariat expects these posts to be filled by July 1996.

10. Item 5, transport operations, indicates a requirement for $329,700. The increase in comparison to the previous period reflects the corresponding

increase in the number of vehicles from 25 to 38. Furthermore, as indicated in annex II.D, paragraph 4, of the report, the increase in the cost of spare parts, repairs and maintenance is attributable to frequent vehicle breakdowns resulting from the mountainous terrain, rough road conditions, dispersed locations of outstations and inadequate availability of spare parts and mechanical skills. Therefore, the standard rate of $500 per month per vehicle used in relation to vehicles older than one year was applied here. The Advisory Committee noted, as well, that primary or "first dollar" coverage in relation to vehicle insurance is now available in Tajikistan. This type of third-party liability insurance is provided to the United Nations for missions or field offices where no other local insurance is available. It has reduced the third-party liability insurance from an annual premium of $400 per vehicle in 1994 to a premium rate of $150 per vehicle in the proposed budget.

11. The Advisory Committee inquired in regard to the provision of $735,000 for air operations. The amount of $675,000 in relation to helicopter operations provides for the use of one helicopter at a monthly cost of $56,250 (12 hours per month), a decreased figure when compared to the previous period, which is attributable to lower operational requirements. An amount of $60,000 covers the cost for fixed-wing aircraft services, at a monthly cost of $5,000 for the chartering of monthly supply flights between Islamabad and Dushanbe.

12. The Advisory Committee noted that no data for current inventory were included under item 9, Other equipment. However, this information has been submitted after the hearings and the Committee has been assured that the item will be duly reflected in the future.

13. The Secretary-General in paragraph 28 of his report outlines the action to be taken by the General Assembly at its fiftieth session in connection with the financing of UNMOT. The Advisory Committee recommends approval of the Secretary-General's proposal that the General Assembly appropriate the amount of $7,302,500 gross ($6,795,200 net) for the 12-month period beginning 1 July 1996, to be assessed at the monthly rate of $608,542 gross ($566,267 net), subject to the extension of the mandate of UNMOT by the Security Council. The unencumbered balance of $378,600 gross for the period ending 16 June 1995 should be credited to Member States in accordance with the provisions of General Assembly decision 50/450 of 22 December 1995.

Annex

UNITED NATIONS NATIONS UNIES

AC/1282

Advisory Committee on
Administrative and Budgetary Questions

15 February 1996

Dear Mr. Secretary-General,

The Advisory Committee on Administrative and Budgetary Questions has considered the Controller's letter of 9 February 1996 seeking the Committee's concurrence for the establishment of 15 additional posts, relating to the United Nations Mission of Observers in Tajikistan (UNMOT). These posts include one D-1 for the Chief Military Observer, 3 posts for civil affairs officers (1 P-5, 2 P-4), 1 P-3 for field security officer, 1 field service officer and 9 local staff (7 interpreters/translators and 2 finance assistants) for UNMOT.

The Advisory Committee recalled that in your report to the Security Council on the situation in Tajikistan (S/1995/799) you indicated that as a result of the establishment of the posts in Vanj and Taloqan, it would be your intention to seek budgetary authority for a small increase in UNMOT staff of five military observers and three civil affairs officers. In his statement of 6 November 1995 (S/PRST/1995/54) the President of the Security Council agreed with your proposals.

The Advisory Committee was informed that developments in the mission area have necessitated an increase in substantive staff. The Advisory Committee recalled that during its consideration of document A/50/749 it noted that the vacancy factor for UNMOT for the period from inception to 16 June 1995 was 17 per cent for international staff and 4 per cent for local staff. However, the Committee was informed that under the current establishment there are no vacancies. In this connection, the Committee noted that the Chief Military Observer for UNMOT will be responsible for the overall command of the military observers assigned to the Mission and would serve as deputy to Head of the Mission.

The Secretary-General
United Nations
New York, N.Y. 10017

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With regard to three posts of civil affairs officers, the Advisory Committee noted that while the functions of the civil affairs officer at the P-5 level would include providing political advice to the Head of Mission, managing and coordinating the work of the civil affairs branch and assisting the Head of Mission in the preparation of periodic reports to headquarters, the functions of the two civil affairs officers at the P-4 level would include monitoring, investigating and reporting developments related to the cease-fire agreement. The Committee was also informed that the civil affairs officers would be available for assignment to outstations.

The Advisory Committee noted that with regard to the need for a post of field security officer, the duties of the field security officer are currently performed by military observers; however, they serve with UNMOT on a rotational basis and are not familiar with United Nations standard security operating procedures.

The Advisory Committee was informed that a post of field service officer was required due to serious vehicle maintenance problems encountered by UNMOT caused mainly by difficult geography of the country as well as a widely dispersed vehicle fleet at UNMOT headquarters and seven outstations.

With regard to requirement for the two finance assistants, the Advisory Committee was informed that currently there is one post for finance assistant who has been performing the functions of Cashier as well as approving and certifying officer; this was contrary to the financial regulations and practice relating to the separation of functions.

In connection with the seven additional local posts for interpreters/translators, the Advisory Committee noted that the interpreters and translators on board have been required to work continuously with both the military observers and international civilian staff of the mission.

The Committee also noted that the additional costs related to increase in staff estimated at $445,125 gross ($388,825 net) for the period from 1 March to 30 June 1996 can be absorbed within the available appropriation. The Committee was informed that this would be possible mainly as a result of a reduction in MSA rates.

Under the circumstances, the Advisory Committee concurs in your proposal to establish the 15 additional posts.

Yours sincerely,

C.S.M. Mselle
Chairman

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General Assembly
Security Council

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15 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force.

On 11 April 1996, a formation of two Turkish Air Force aerial reconnaissance aircraft, RF-4, entered without permission the north-western section of the Nicosia flight information region, flying at an altitude of 34,000 feet. The two aircraft violated the national airspace of the Republic of Cyprus flying at 15,000 feet and exited the Nicosia flight information region, one at 1137 hours and the other at 1135 hours, flying in the direction of Turkey.

On 10 April 1996, another formation of two Turkish Air Force aircraft, RF-4, violated Cyprus airspace, entering at 1530 hours the north-western flight information region of Nicosia at an altitude of 2,000 to 30,000 feet. The two aircraft flew along the western and southern coast of Cyprus and exited the north-eastern Nicosia flight information region at 1604 hours returning to Turkey.

Another formation of two Turkish Air Force aerial reconnaissance aircraft, RF-4, violated Cyprus airspace on 10 April 1996, at 1109 hours, entering the Nicosia north-western flight information region at an altitude of 32,800 feet. One of the aircraft overflew the Kormakitis area at an altitude of 32,800 feet, while the second one violated Cyprus airspace from 1136 to 1200 hours, flying at an altitude of 2,400 to 5,000 feet from Morphou to Lefkonico. The two aircraft met north of Kormakitis at 1210 hours and they exited the Nicosia flight information region in a north-western direction towards Turkey.

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The RF-4 aircraft that violated the Cyprus airspace are aerial reconnaissance aircraft and it is believed that their mission was for aerial photographic reconnaissance of the coastal and other areas of Cyprus.

On 25 March 1996, a formation of two Turkish Air Force aircraft, F-4, entered from 1114 to 1117 hours the north-eastern flight information region of Nicosia at an altitude of 30,000 feet, flying at a speed of 373-534 knots. Another formation of two F-4 Turkish aircraft entered the north-eastern and eastern Nicosia flight information region from 1244 to 1259 hours on 25 March 1996, flying at an altitude of 26,000 to 35,000 feet.

The repeated violations of the Nicosia flight information region and of the national airspace of the Republic of Cyprus by Turkish military aircraft are indicative of the provocative attitude of Turkey, which in 1974 invaded and occupied 37 per cent of the territory of the Republic of Cyprus.

At the same time, such unauthorized intrusions into the Nicosia flight information region are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest against these violations of the Nicosia flight information region and of the Republic's airspace by Turkish Air Force aircraft. These violations of the sovereignty and territorial integrity of the Republic of Cyprus are contrary to the Charter of the United Nations and to the resolutions of the General Assembly and of the Security Council on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Permanent Representative
of the Republic of Cyprus
to the United Nations

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General Assembly

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23 April 1996

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Agenda item 45

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Mission of the United Nations in El Salvador

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution 50/7 of 31 October 1995, in which the Assembly approved my proposal to extend the mandate of the Mission of the United Nations in El Salvador (MINUSAL) for a further period of six months and requested that I report back to it on the implementation of the resolution.

2. Since that time MINUSAL has continued to verify the status of implementation of the peace agreements in accordance with the programme of work (S/1995/407, annex) for the completion of all outstanding areas of the peace accords signed on 27 April 1995 by the parties to the Chapultepec Agreement (A/46/864-S/23501, annex). The present report assesses the status of verification during the period from 1 November 1995 to 31 March 1996 as the expiration of the MINUSAL mandate on 30 April 1996 approaches.

3. As the members of the General Assembly will recall, I last submitted a report on MINUSAL activities on 6 October 1995 (A/50/517). Since then I have submitted an informal report to the Security Council (25 January 1996) and, on several occasions, dispatched a high-level envoy from Headquarters to hold meetings with the President, the Frente Farabundo Martí para la Liberación Nacional (FMLN) and other key political actors and to assist the Mission in the discharge of its responsibilities.

4. Besides this introduction and my concluding observations, I have divided the report into six sections: public security; human rights and the judicial system; economic and social issues; electoral matters; technical assistance programmes; and administrative aspects.

II. PUBLIC SECURITY

5. Throughout the mandate of MINUSAL, developments within the public security sector - especially consolidation of the National Civil Police - have held an important place on the agenda of the Government of El Salvador, which has consistently demonstrated a will to implement improvements. Since my October report to the General Assembly, positive developments have included: the appointment of a new Inspector General for the National Civil Police; the drafting of a police career law, in consultation with MINUSAL; the President's decision to appoint a National Council on Public Security; and the dissolution, in late March, of the "analysis unit" operating outside the formal structure of the National Civil Police until that time. Meanwhile, increasing sectors of Salvadoran society are understanding the importance of public security policies in strengthening democracy and the rule of law, and in improving the quality of life.

6. This reality suggests a climate favourable to achieving real progress in this area. Yet public debate and proposed policies have been coloured by a series of factors: a post-war crime wave exacerbated by organized crime; simmering social protest, which periodically disturbs public order and has at times led to violence; inconclusive efforts to professionalize and modernize the National Civil Police; and slow progress in ridding the judiciary of those who do not meet professional and ethical standards and in improving the technical skills of judges and prosecutors. These challenges have all too often been met with hasty responses.

7. Progress has been made with respect to the April 1995 programme of work: there remains just one point with which the Government has informed me it will be unable to comply. However, advances within the work programme have not served, as hoped, to strengthen the National Civil Police and the National Public Security Academy institutionally, as events quickly overtook the priorities established by the parties in April 1995. Given the gravity of the situation, in September 1995 President Calderón Sol requested MINUSAL to conduct a far-reaching evaluation of the public security sector. It is my firm conviction that the proposals contained in this evaluation are pertinent in the current context, and, if implemented, would make a valuable contribution to transforming the National Civil Police into an efficient force and to consolidating the democratic public security model envisioned by the peace accords.

8. I remain concerned by the persistence of some of the most damaging problems identified by MINUSAL. Although I welcome the dissolution of the "analysis unit" mentioned above, there remain personnel who operate outside the legally established structure of the National Civil Police. In addition, high-ranking Salvadoran officials continue to interfere in strictly operational aspects of policing, thereby altering the established chain of command of the National

Civil Police and thus not contributing to the strengthening of that institution. I also view with concern recent setbacks in the consolidation of the Department for the Investigation of Organized Crime; delays in consolidating the Division for Criminal Investigation; and resistance to accepting and implementing the February 1996 evaluation by the National Public Security Academy of the anti-riot squad.

9. The National Civil Police, an outstanding accomplishment of the peace process, was designed to include strong internal mechanisms to monitor professional and ethical standards. However, some three years since its initial deployment, these units are still floundering. The legal framework which defines violations and sanctions has been repeatedly modified and neither uniform criteria nor rigour are evident in the resolution of the most serious breaches of professional and ethical conduct. Despite auspicious beginnings, the Inspector General has shown little capacity to respond creatively to the problems facing the National Civil Police and has not yet forged adequate links with the National Counsel for the Defence of Human Rights. Meanwhile, the police career law was only belatedly submitted to the Legislative Assembly, where it still awaits approval.

10. Expectations were raised by the President's appointment of the National Council on Public Security, following a MINUSAL recommendation. Chaired by the Minister of Public Security, the Council is to provide advice to the President as the country develops an integrated public security policy. The current crisis in this sector has underlined the urgent need for an effective response by the Council to the problems which motivated its creation. The Council could achieve this in the next few months by: clearly defining its mandate and objectives; crafting an independent agenda; and contracting an autonomous team of professional advisers and its own administrative staff. The United Nations will continue to offer full support for the strengthening of the Council.

III. HUMAN RIGHTS AND THE JUDICIAL SYSTEM

11. The office of the National Counsel for the Defence of Human Rights achieved steady consolidation in the last year, a process greatly invigorated by the dynamic leadership of the Counsel herself. The Counsel tackled some of the most problematic human rights concerns in the post-war period and has repeatedly been called upon to use its good offices in the mediation of disputes. In so doing it has earned increasing respect and confidence among Salvadorans. None the less, it has suffered from many of the problems inherent to building a new institution charged with the assumption of substantial responsibility in a short time. Its work has also suffered from the difficulty of some government officials in understanding its lawful role.

12. In my January 1996 informal report to the Security Council, I warmly welcomed steps taken to establish a mechanism for coordinating the response of the National Counsel for the Defence of Human Rights and the National Civil Police when social tensions threaten to escalate into violence. Given the likelihood that the country's ongoing political and economic transformation will give rise to such situations in the future, it is important that the preparatory work of the Ministry of Public Security and the Counsel should be concluded

rapidly, in order that an effective working relationship between these two bodies may be consolidated. It is also advisable that the Counsel include a unit specializing in public security.

13. Finally, I would like to reiterate my concern about the inadequate funding of the National Counsel for the Defence of Human Rights. Its portion of the national budget totalled 0.24 per cent in 1995, a figure that is slated to drop in 1996 to 0.20 per cent. Lacking sufficient human and material resources, the Counsel cannot fulfil its indispensable role in consolidating the rule of law. While I am grateful to the international community for its generous support to the Counsel in the past, and confident that it will continue, it is essential that the Salvadoran Government assume full responsibility for the Counsel's activities as a key institution of the post-war period.

14. The new Supreme Court continues to provide important leadership in judicial reform efforts. Recent decisions by the Court confirm its independence and have established the precedence of international instruments over domestic laws in the country's emerging jurisprudence. The Court has taken concrete steps to address the overcrowding of prisons; professional ethics; delays in the administration of justice; and the nullification of cases for lack of defence attorneys. In its vetting of the country's approximately 500 judges, the Supreme Court has dismissed 17 and suspended a further 8. The slow advance in this area can be explained in part by the duplication of investigative functions between the Court and the National Judiciary Council. It is important that the Government and justice sector officials streamline and expedite the vetting process, as deficient professional and ethical standards in the judiciary remain a stumbling block to progress in the administration of justice and the improvement of public security.

15. The mandate of MINUSAL draws to a close amid signs that El Salvador's steady progress towards the rule of law based on modern jurisprudence could experience setbacks. The ratification of the constitutional reforms and secondary legislation in fulfilment of the binding recommendations of the Commission on the Truth remains in a state of paralysis, in part because of prolonged disagreement over the guarantees of due process and the admissibility of extrajudicial confessions contained within the proposed reforms to article 12 of the Constitution. Approval of the criminal codes has been delayed pending resolution of this point, while the penitentiary law and the repeal of the 1886 police law also languish in the Legislative Assembly.

16. Meanwhile, in response to mounting public outcry about the lack of security for the ordinary citizen, the Legislative Assembly recently passed emergency legislation to fight crime. This legislation has been motivated by legitimate concerns over a genuine crisis and contains provision for the protection of witnesses and victims. But the haste with which it was prepared has led to the inclusion of elements that undermine the judicial reform process and could render invalid some aspects of the peace accords already implemented or awaiting implementation, as well as violating rights and guarantees protected by El Salvador's Constitution and international instruments. In particular it is a step backwards in the specific areas of the presumption of innocence, non-retroactivity of criminal law, extrajudicial confessions and the treatment of youthful offenders. Given the expanded powers to detain contained in this

emergency legislation and continuing delays in processing cases, the problems of severe prison overcrowding and large numbers of unsentenced detainees are likely to increase unless urgent corrective action is taken.

17. The Government has also proposed the adoption of a law on social defence. If implemented, this law would also threaten due process by, for example, sanctioning "suspicious persons" and would constitute a measure contrary to the thrust of the legislative reforms mandated by the peace accords. It is to be hoped that the Legislative Assembly will choose other avenues in the fight against crime, especially through the prompt approval of the proposed criminal code, criminal procedure code and penitentiary law, which include new instruments designed to reduce delays in the administration of justice.

IV. ECONOMIC AND SOCIAL ISSUES

18. MINUSAL inherited from the United Nations Observer Mission in El Salvador (ONUSAL) the task of verifying a land transfer programme that had been plagued with difficulties and delays in implementation since its outset. However, since I last reported to the General Assembly in October 1995, greater effort has been made to advance the programme and many of the technical and legal problems that have caused delays in the past have been overcome. The main impediment to the completion of the programme remains the large backlog in the filing of the deeds of properties in the national registry which must complete the transfer. Until this filing is accomplished, a beneficiary cannot be considered the legal owner and is not at liberty to sell the property should he/she so wish.

19. In recent months implementation of the land transfer programme has changed in some important ways. The Lands Bank has been restructured for a third time, with the appointment of a new president entrusted with speeding up completion of the programme. FMLN has been integrated in a cohesive fashion into the proposed strategies for the final phase of the programme and is fully involved in identifying properties to meet outstanding needs. Some progress has also been made in streamlining the payments to owners, contributing to the programme's credibility and serving as an incentive to other owners to sell. Two key decrees (currently Nos. 609 and 610) have provided legal guarantees to owners and landholders as the programme progresses. These legal guarantees have taken on new importance in the light of their extension to participants in the human settlements programme and should be extended until all aspects of the land transfer programme and the human settlements programme are complete.

20. In January 1996, the total universe of potential beneficiaries of the land transfer programme was adjusted downward to 36,551, reflecting the number of participants that have dropped out of the programme. As of 26 March, some 32,210 (or 92.9 per cent) former combatants on both sides of the conflict and FMLN landholders were in receipt of titles, while only 49.6 per cent of issued titles had been recorded in the registry. Meanwhile some 3,000 beneficiaries await titles pending resolution of two complex issues: (a) the shortfall in suitable land available for purchase; and (b) the relocation of those occupying lands whose owners choose not to sell, or those living within a human settlement that is too small for the needs of its occupants.

21. The transfer of the rural human settlements' productive and social infrastructure, as well as housing, to their current occupants remains a sensitive issue that could exacerbate social turmoil in areas hardest hit by the war. Since launching its work in March 1995, the trilateral working group has crafted a global agreement (May 1995) and a special regimen (August 1995) which provide a framework for the programme. The working group also reached agreement on several structural and political guarantees, including legal protection for the duration of the programme for property holders, allowing the operational phase of the programme to begin in March 1996, overseen by the Secretariat of National Reconstruction. Barring unforeseen problems, legal work for the transfers is expected to take at least one year, although the Government recently indicated that it anticipated the programme would conclude in December 1996.

22. The communities in the settlements have yet to make key decisions concerning the legal terms for transferring enterprises included in a community's "productive infrastructure". Similarly, agreement must be reached between the communities and the appropriate governmental authorities regarding the transfer of the schools and health clinics included in the inventory of a community's "social infrastructure". It is important that the communities have access to technical assistance during this phase of the process. Negotiations and transfers are likely to be slowed by owners who do not wish to sell or have fixed an inflated asking price. In the last instance, a scheme of expropriation with compensation, as contemplated in the Constitution, may have to be considered in some cases.

23. The quantifiable targets for the reintegration programmes have been largely achieved. However, many of the productive activities deriving from them have fallen short of expectations, in part because of the inadequacy and harshness of the terms of credit and the scarcity of technical assistance, and are not sustainable. The small businesses that were created remain fragile and beneficiaries are increasingly unable to meet payment on their debt. These difficulties extend to the beneficiaries of the land transfer programme. Inability to service their debt excludes beneficiaries from further access to credit necessary for agricultural products and other basic needs.

24. The Fund for the Protection of the War-Wounded and Disabled, which initially experienced serious setbacks, has now shown positive advances, especially with respect to the payment of benefits to those left wounded or handicapped by the war. Although the Government has fulfilled its obligations under the April 1995 programme of work, a potentially destabilizing situation has arisen because of the exclusion of a significant number of family members unable to produce the requisite documentation to receive their benefits. It is to be hoped that the Government will promptly take steps to address the needs of this population and thus contribute towards the reconciliation of Salvadoran society.

V. ELECTORAL MATTERS

25. In May 1994, following the presidential, legislative and local government elections and an agreement between the candidates for the presidential run-off to reform the electoral system, I reported to the Security Council that there was "an evident need for a thorough reform of the electoral system" (see S/1994/536, para. 17). To that end, in November 1994 the President appointed an inter-party Commission, which has since made a series of recommendations calling for: the creation of a national civil register responsible for issuing a single identity and voter card; the reform of the Supreme Electoral Tribunal; the introduction of residential voting; and the introduction of proportional representation in municipal governments.

26. A few encouraging signs have been noted, such as approval by the Legislative Assembly of a bill creating the national civil registry (Registro Nacional de Personas Naturales) and the registry's Organic Law. In addition, in anticipation of the legislation necessary to consolidate its reform, at the start of 1996 the Supreme Electoral Tribunal took the initiative of advancing its own administrative reform. However, concrete progress both in terms of long-term reform and preparation for the 1997 legislative and municipal elections has been insufficient. It is now unlikely that the registry will be in place in time for these elections, while the low budget allocation to the Tribunal in a pre-electoral year (US$ 5.7 million) also appears to have impeded the possibility of cleansing and updating the electoral register as an intermediary measure. With the voter registration period scheduled to conclude in eight months, I urge members of all parties to redouble their efforts to ensure the legitimacy of the 1997 elections.

VI. TECHNICAL ASSISTANCE PROGRAMMES

27. Of great importance to the consolidation of the peace process is provision of appropriate technical assistance. Over the last 15 months, in cooperation with ONUSAL/MINUSAL and other United Nations bodies, the United Nations Development Programme (UNDP) has formulated 21 projects of technical assistance and institutional strengthening. In June 1995, the Government of El Salvador presented a number of these peace accord-related projects to the Consultative Group donor meeting convened by the World Bank and Inter-American Development Bank in Paris. Thirteen projects funded by the international community are currently under way and an additional four will begin in the next few weeks. The Governments of Brazil, Norway, Spain and Sweden are providing advisers and instructors to the National Public Security Academy and the National Civil Police under the auspices of UNDP, while Chile, France and the United States of America are providing assistance separately. I welcome this evidence of continued support for peace-building and development in El Salvador.

28. The efforts of the United Nations in El Salvador have greatly benefited from cooperation between MINUSAL and UNDP. As the Organization's verification of the Salvadoran peace accords enters its final stage, I shall rely on UNDP to provide continuing support to peace-building in El Salvador to conceptualize needs, mobilize and channel the resources of donors and to implement and monitor

projects. I would like to recognize the importance of UNDP's contribution in this regard.

VII. ADMINISTRATIVE ASPECTS

29. At its outset on 1 May 1995, MINUSAL consisted of 11 international staff, 8 civilian police consultants and a small administrative staff and was supported by UNDP in the financial disbursement of allotted funds and other administrative functions. The advances registered since then have allowed the team, which has been led since October by my Representative and Director of Mission Mr. Ricardo Vigil (Peru), to be reduced to eight Professionals and three civilian police consultants, in accordance with the wish expressed by the General Assembly in its resolution 50/7 to see "a gradual reduction of its strength and costs, in a manner compatible with the efficient performance of its functions". I should like to pay tribute to my Representative and his staff for their efforts to further the implementation of the peace accords in El Salvador.

30. Commitment authorization has been provided for MINUSAL in the amount of $2,595,900 for the period from 1 May 1995 to 30 April 1996, of which some 25 per cent has been funded through the Trust Fund for MINUSAL by voluntary contributions from Denmark, Norway and Sweden. I should like to extend my thanks to these three Member States for their generous contributions.

VIII. OBSERVATIONS

31. The public security situation in El Salvador and efforts by the Government to address it continue to raise concern. The recent adoption of emergency legislation designed to fight crime, which represents a substantial departure from the process embodied in the peace accords, contradicts, in some instances, basic human rights and due process standards and may exacerbate the already explosive situation of overcrowding in Salvadoran prisons. In this and other areas, I look to the National Council on Public Security to play a central role in encouraging the consolidation of the new public security system, as it emerges from peace accord-related reforms, in harmony with the solemn commitment made by the signatories at Chapultepec.

32. Recent developments suggest a reversion in the trend towards fulfilment of the recommendations relating to judicial reform and other measures arising from the peace accords aimed at strengthening the rule of law. It is a cause of concern that the Legislative Assembly has not approved the constitutional reforms ratified by its predecessor or any of the legislation mentioned in the work programme. It is to be hoped that pending constitutional reforms as well as the proposed Criminal Code, Criminal Procedure Code and Penitentiary Law will be adopted without further delay. These measures would enshrine what should be a permanent regime in this sphere, to which El Salvador would revert once the emergency legislation, which by its nature should last as short a time as possible, can reasonably be relaxed.

33. The land transfer programme is entering its final and most difficult phase. I call upon all those involved in its execution to exhibit flexibility and

creativity in finding a just solution for beneficiaries affected by the shortfall in suitable land, those occupying plots whose owners do not wish to sell, and those who for other reasons must be relocated. If not addressed forthwith, the slow process of title registration and administrative shortcomings of the registry of deeds will lead to juridical insecurity for beneficiaries of both the land transfer programme and the human settlements programme, and the likelihood of social unrest.

34. It is ever more apparent that once implemented, the programmes designed to ensure the productive reintegration of combatants and others most affected by the war - the land transfer programme, human settlements, and other programmes - will fall far short of ensuring the successful reintegration of this segment of the population. I encourage the Government to bring its full attention to this issue. Also relevant in this context is the prompt elaboration of an agrarian code, as called for by the accords.

35. The above considerations lead me to conclude that, despite the substantial progress made during the year of MINUSAL's presence in El Salvador and the reiterated will of the Government to comply fully with its commitments under the peace agreements, the verification responsibilities assumed by the United Nations in El Salvador will not be completed by 30 April 1996. As this report makes clear, the Organization's further good offices will be, at a minimum, required in: the public security sector; the process of constitutional and legislative reform; the land transfer programme; and the transfer of the rural human settlements.

36. In order to carry out the Organization's responsibility to verify all aspects of the peace accords, a continued presence in El Salvador is required, although not at the same level as that of MINUSAL, for a further period lasting until the end of 1996. I propose that the United Nations replace the Mission with a mechanism that would combine regular visits by a high-level envoy from New York with the retention in the field of a small group of experts whose number would be strictly related to the technical requirements of following up implementation of pending agreements in El Salvador. These experts would continue to work with the Government and other parties to the peace agreements on matters of verification and good offices, support my Envoy in his exercise of verification and good offices and report directly to the Department of Political Affairs in New York. The mechanism would be known as the United Nations Office of Verification (ONUV). In order to further cooperation with UNDP in the technical assistance aspects of implementation, I propose that this Office count on UNDP for logistical and administrative support.

37. While the activities undertaken by this small group of experts with respect to verification and good offices in El Salvador should be primarily funded from assessments, I would anticipate that these could be augmented by voluntary contributions. I would therefore encourage Member States that remain interested in the consolidation of the peace process in El Salvador to come forward with pledges to the Trust Fund for MINUSAL, which will remain active for the new arrangement. I should like to call the attention of Member States to the decisions on the programme budget for the biennium 1996-1997, adopted by the General Assembly in its resolutions 50/215 A-C of 23 December 1995. Accordingly, it would be necessary for the General Assembly to appropriate

additional funds to cover the costs of ONUV for the period of its mandate and for there to be assurances that those funds would be made available in the necessary time-scale. From the above, it follows that, in the absence of additional appropriations, or a commensurate reduction in other mandates, I will not, to my regret, be in a position to carry out activities in El Salvador beyond the end of MINUSAL's current mandate.